

more than ten years has elapsed since the date of the conviction *or of the release of the witness from the confinement imposed for that conviction, whichever is the later date . . .*” (Emphasis added.) When the defendant is in prison for part of the ten-year period, the underlying conviction may be admissible, assuming the Court determines that the conviction’s probative value outweighs any prejudice to the defendant.²

In accordance with the foregoing principles, the government seeks to question CRUZ about the convictions set forth below should he take the stand in his own defense.³ As set forth in the government’s original response, the government will not mention or make any inquiry as to the type of crime involved, but will simply establish that the defendant was convicted of three separate “felonies” in Springfield District Court on the dates below (it appears that the three separate offenses were bundled into a single plea and sentencing hearing):

1. Docket #: 9423 CR 10156
 Charge: Distributing Class A Controlled Substance (heroin) in a
 Drug Free Zone
 Pled guilty: 6/9/95
 Sentence: 90 days House of Corrections
 2 years (on and after)
 Incarcerated: 6/9/95 to 6/24/97

2. Docket #: 9423 CR 11213
 Charge: Distributing a Class A Controlled Substance (heroin) in a
 Drug Free zone
 Pled guilty: 6/9/95
 Sentence: 90 days House of Corrections
 2 years (on and after) concurrent with
 Docket # 9423 CR 10156

² The government’s argument that the probative value of Cruz’s convictions outweighs any prejudice is set forth in our original opposition response.

³ A copy of CRUZ’s criminal history is attached at Exhibit A. Copies of the certified convictions in the government’s possession are attached at Exhibit B.

	Incarcerated:	6/9/95 to 6/24/97
3.	Docket #:	9423 CR 12318
	Charge:	Possession Class A (heroin) Possession Class B (cocaine) Possession of Class A with Intent to Distribute (heroin)
	Pled guilty:	6/9/95
	Sentence:	2 years House of Corrections concurrent w/ Docket #s: 9423 CR 10156, 9423 CR 11213
	Incarcerated:	6/9/95 to 6/24/97

Based upon the fact that for all three convictions Cruz was not released from prison until June 24, 1997, the underlying convictions clearly fall within the period prescribed by rule 609(b). Accordingly, based upon the above-mentioned facts and the incorporated arguments set forth in our original response in opposition, CRUZ's motion in limine should be denied and the government should be permitted to inquire as proposed above.

Respectfully submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

By: /s/ Sharron A. Kearney
SHARRON A. KEARNEY
ANDREW E. LELLING
Assistant U.S. Attorneys

Date: September 8, 2006

APPLICATION FOR COMPLAINT		<input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUVENILE		Case 3:95-cr-00042-ML Document 102-3 Filed 09/08/2006 Page 1 of 8 94-11213	Trial Court of Massachusetts District Court Department			
<input checked="" type="checkbox"/> ARREST <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> SUMMONS <input type="checkbox"/> WARRANT		The within named complainant requests that a complaint issue against the within named defendant, charging said defendant with the offense(s) listed below.						
DATE OF APPLICATION: 10-7-94 NAME OF COMPLAINANT: [Signature]		DATE OF OFFENSE: 9-21-94 PLACE OF OFFENSE: [Signature]		COURT DIVISION Springfield District Court 50 State Street Springfield, MA 01103				
ADDRESS AND ZIP CODE OF COMPLAINANT: [Signature]		NO. 1. VDH2 2. 3. NAME, ADDRESS AND ZIP CODE OF DEFENDANT: Cesar Cruz Sanchez 184 Cesar Cruz 44 Myrtle St Springfield Ma		G.L. Ch. and Sec. 818a				
COURT USE ONLY → A hearing upon this complaint application will be held at the above court address on		DATE OF HEARING: TIME OF HEARING: AT		COURT USE ← ONLY				
CASE PARTICULARS — BE SPECIFIC								
NO.	NAME OF VICTIM Owner of property, person assaulted, etc.	DESCRIPTION OF PROPERTY Goods stolen, what destroyed, etc.	VALUE OR PROPERTY Over or under \$250.	TYPE OF CONTROLLED SUBSTANCE OR WEAPON Marijuana, gun, etc.				
1				chestnut Middle heroin				
2								
3								
4	Additional charge (not included in original complaint)							
OTHER REMARKS: Per [Signature] Bellum See original complaint #942302-10156 and arrest report to it. dtd 9-21-94 in conference 10-7-94								
DEFENDANT IDENTIFICATION INFORMATION — Complete data below if known.								
DATE OF BIRTH	PLACE OF BIRTH	SOCIAL SECURITY NUMBER	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR
4-5-73	[Signature]	583-43-1898	M	Pc	67	120	Bro	Bro
OCCUPATION	EMPLOYER/SCHOOL	MOTHER'S NAME (MAIDEN)		FATHER'S NAME				
Doker	—	[Signature]		[Signature]		[Signature]		
COURT USE ONLY								
DATE	DISPOSITION						AUTHORIZED BY	
	NO PROCESS TO ISSUE <input type="checkbox"/> At request of complainant <input type="checkbox"/> Complainant failed to prosecute <input type="checkbox"/> Insufficient evidence having been presented						ASSISTANT CLERK	
10/7/94	PROCESS TO ISSUE <input checked="" type="checkbox"/> Sufficient evidence presented <input type="checkbox"/> Defendant failed to appear						TYPE OF PROCESS <input type="checkbox"/> Warrant <input checked="" type="checkbox"/> Summons returnable 10/7/94 [Signature]	
<input type="checkbox"/> Continued to _____								
COMMENTS								

Handwritten notes and stamps are visible across the page, including:

- Top left: "Case 3:05-cr-30042-MLW Document 102-3 Filed 09/08/2006 Page 2 of 8"
- Top center: "Case 3:05-cr-30042-MLW Document 102-3 Filed 09/08/2006 Page 2 of 8"
- Top right: "Case 3:05-cr-30042-MLW Document 102-3 Filed 09/08/2006 Page 2 of 8"
- Center: "Case 3:05-cr-30042-MLW Document 102-3 Filed 09/08/2006 Page 2 of 8"
- Bottom: "Case 3:05-cr-30042-MLW Document 102-3 Filed 09/08/2006 Page 2 of 8"

DOCKET		9423CR 11213		ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 09/08/2006 BY SP4 LAR/																				
COURT DIVISION Spfld.		NAME, ADDRESS AND ZIP CODE OF DEFENDANT Cesar Cruz Sanchez AKA Cesar Cruz 44 Myrtle ST. Spfld., Mass		<input type="checkbox"/> Waived <input checked="" type="checkbox"/> Retained <input type="checkbox"/> Assigned																				
DEF. DOB AND SEX 4.5.73 PR.M		OFFENSE CODE(S) 816a		TERMS OF RELEASE																				
DATE OF OFFENSE 9.21.94		PLACE OF OFFENSE Spfld.		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>DATE</th> <th>PROCEEDING</th> </tr> <tr> <td rowspan="6" style="text-align: center; vertical-align: middle;">OCT 07 1994</td> <td><input checked="" type="checkbox"/> Arraigned before J. Coto, J.</td> </tr> <tr> <td><input checked="" type="checkbox"/> Advised of right to counsel</td> </tr> <tr> <td><input checked="" type="checkbox"/> Advised of right to drug exam</td> </tr> <tr> <td><input type="checkbox"/> Advised of right to bail review</td> </tr> <tr> <td><input type="checkbox"/> Advised of right to F.I. Jury Trial</td> </tr> <tr> <td><input type="checkbox"/> Waives <input type="checkbox"/> Requests F.I. Jury Trial</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Advised of alien rights</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Warrant issued <input type="checkbox"/> Default warrant issued</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Default removed <input type="checkbox"/> Warrant recalled</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Warrant issued <input type="checkbox"/> Default warrant issued</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Default removed <input type="checkbox"/> Warrant recalled</td> </tr> </table>		DATE	PROCEEDING	OCT 07 1994	<input checked="" type="checkbox"/> Arraigned before J. Coto, J.	<input checked="" type="checkbox"/> Advised of right to counsel	<input checked="" type="checkbox"/> Advised of right to drug exam	<input type="checkbox"/> Advised of right to bail review	<input type="checkbox"/> Advised of right to F.I. Jury Trial	<input type="checkbox"/> Waives <input type="checkbox"/> Requests F.I. Jury Trial	<input type="checkbox"/> Advised of alien rights		<input type="checkbox"/> Warrant issued <input type="checkbox"/> Default warrant issued		<input type="checkbox"/> Default removed <input type="checkbox"/> Warrant recalled		<input type="checkbox"/> Warrant issued <input type="checkbox"/> Default warrant issued		<input type="checkbox"/> Default removed <input type="checkbox"/> Warrant recalled	
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COMPLAINANT Glenn Lungarini		POLICE DEPARTMENT (if applicable) Spfld																						
DATE OF COMPLAINT 10.7.94		RETURN DATE AND TIME Summons returnable 10.7.94 confer																						
COUNT-OFFENSE .DRUG FREE ZONE C94C 32J		FINE		SURFINE																				
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FINDING		JUDGE		PAYMENT OF FINE/COSTS/FEE'S SUSPENDED UNTIL 7-14-95																				
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COUNT-OFFENSE		FINE		SURFINE																				
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CONT TO	PURPOSE	CONT TO	PURPOSE
12/20/94	(C) Coto, J.		

DATE	TAPE NO.	START	STOP
JUN - 9 1995	95-212		
JUN - 9 1995	95-213		

DATE	DOCKET ENTRIES
DEC 20 1994	DEFAULT & WARRANT Beatter
MAR 13 1995	DEF. BEFORE COURT ON WARRANT DEFAULT REMOVED CONTINUED
3-23-95	C 3/23/95 (C) C 4/14/95 ptc #1
4-14-95	C 5-9-95 (T) Husick Gomez (n) (Husick-Gomez J)
MAY - 9 1995	C 6/9/95 (T) Husick-Gomez (n)
JUL 21 1995	PAYMENT OF FINE/COSTS/FEE EXTENDED UNTIL 8-25-95
11/18/98	Warrant non payment 30 - per prohibition per
11-20-98	Warrant Issued (D)
JAN 07 2005	WR # revoked case closed EROY. L

CRIMINAL COMPLAINT

9423CR-11213

**Trial Court of Massachusetts
District Court Department**



COURT DIVISION

Spfld.

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

Cesar Cruz Sanchez
AKA Cesar Cruz
44 Myrtle ST.
Spfld., Mass

TO ANY JUSTICE OR CLERK-MAGISTRATE
OF THE DISTRICT COURT DEPARTMENT:

The within named and undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.

DEF. DOB AND SEX

4, 5, 73 PR, M

OFFENSE CODE(S)

818a

DATE OF OFFENSE

9,21,94

PLACE OF OFFENSE	
------------------	--

Spfld.

COMPLAINANT

Glenn Lungarini

POLICE DEPARTMENT (if applicable)

Sprfld

DATE OF COMPLAINT

10,7,94

RETURN DATE AND TIME

Summons returnable 10, 7, 94 conference session

COUNT-OFFENSE

.DRUG FREE ZONE C94C 32J

did knowingly or intentionally manufacture, distribute, dispense or possess with intent to manufacture, distribute, or dispense within 1000 feet of the real property comprising a public or private elementary, vocational, or secondary school whether or not in session or a within 100 feet of a park or playground to wit, City of Spfld. Chestnut Middle School, a controlled substance to wit, heroin in violation of M.G.L. C94C S32J.

U.S. DEPT. OF JUSTICE	COUNT-OFFENSE
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COUNT-OFFENSE

COUNT-OFFENSE

1 TRUE COPY. ATTEN:

Robert E. Fenn

~~ASSISTANT CLERK~~

COMPLAINANT

SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK

ON (DATE)

ADDITIONAL
COUNTS
ATTACHED

FIRST JUSTICE

George Sheehy

COURT ADDRESS

50 State St. Spfld., Mass

A TRUE CLERK-MAGISTRATE/ASST. CLERK

ON (DATE)

ATTEST: X

FINDING OF JUDGE-DETERMINATION OF INDIGENCY

After considering the report and recommendation of the probation officer or other appropriate court employee and after interrogating the defendant named in the complaint on the reverse side, if appropriate based upon the standards in Supreme Judicial Court Rule 3:10, I **FIND THAT THE DEFENDANT IS:**

☐ **INDIGENT** because the defendant:

- ☐ receives Aid to Families with Dependent Children (AFDC)
- ☐ receives Emergency Aid to Elderly, Disabled and Children (EAEDC).
- ☐ receives poverty-related veterans' benefits.
- ☐ receives food stamps.
- ☐ receives refugee resettlement benefits.
- ☐ receives Medicaid.
- ☐ receives Supplemental Security Income (SSI).
- ☐ is a patient in a mental health facility or treatment center (or is the subject of a proceeding for admission to such a facility) and lacks available funds.
- ☐ is serving a sentence in a correctional institution and has no available funds.
- ☐ is held in custody in a jail and has no available funds.
- ☐ has an annual income, after taxes, 125% or less of the current poverty threshold referred to in G.L. c. 261, § 27A(b).
- ☐ is determined to be indigent pursuant to S.J.C. Rule 3:10, Section 4(b) [Judge's Section 4(b) findings on the record are appended].

☐ **INDIGENT BUT ABLE TO CONTRIBUTE**, and is therefore ordered to pay

\$ _____ toward the cost of counsel because
the defendant:

- ☐ has an annual income, after taxes, of more than 125% and less than 250% of the current poverty threshold referred to in G.L.c. 261, § 27A(b).
- ☐ is charged with a felony within the jurisdiction of the Superior Court and has available funds sufficient to pay a portion of the anticipated cost of counsel.
- ☐ is determined to be indigent but able to contribute pursuant to S.J.C. Rule 3:10, Section 4(b) [Judge's Section 4(b) findings on the record are appended].

☐ **NOT INDIGENT** and is able to pay the anticipated cost of counsel [Judge's findings on the record are appended if this finding is pursuant to S.J.C. Rule 3:10, Section 4(b)].

Date _____

District Court Justice _____

CERTIFICATE OF JUDGE — WAIVER OF COUNSEL

I hereby certify that the defendant named in the complaint on the reverse side has been informed of his/her right to counsel in accordance with Supreme Judicial Court Rule 3:10 and G.L. c. 211D, §5; that he/she has knowingly elected to proceed without a lawyer; and that he/she has:

☐ Executed a waiver of counsel in my presence.

☐ Refused to sign a waiver.

Date _____

District Court Justice _____

APPEARANCE CONTINUED

NO

COLLONIAL STATE OF MASSACHUSETTS

HAMPDEN SS

CRIMINAL JUSTICE DIVISION
DEPT. OF CORRECTIONS, BOSTON

COMMONWEALTH

Carol Ann Sacks

10-7-94

19

ENTER BY COURT APPEARANCE FOR THE DEFENDANT IN THE ABOVE ENTITLED CASE

PHILIP LAURO
ATTORNEY FOR DEFENDANT

80 Maple St
STREET

Spfld MA
CITY STATE

732-1188
TELEPHONE NO

APPLICATION FOR COMPLAINT		<input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUVENILE		NUMBER 94 - 10156		Trial Court of Massachusetts District Court Department	
<input checked="" type="checkbox"/> ARREST <input type="checkbox"/> HEARING <input type="checkbox"/> SUMMONS <input type="checkbox"/> WARRANT		The within named complainant requests that a complaint issue against the within named defendant, charging said defendant with the offense(s) listed below.		COURT DIVISION Springfield District Court 50 State Street Springfield, MA 01103			
DATE OF APPLICATION 9-22-94	DATE OF OFFENSE 9-21-94	PLACE OF OFFENSE Hyattsville					
NAME OF COMPLAINANT Hyattsville				NO.	OFFENSE	G.L. Ch. and Sec.	
ADDRESS AND ZIP CODE OF COMPLAINANT Hyattsville MD 20854				1.	Not Class A	906	
				2.			
				3.			
				4.			
NAME, ADDRESS AND ZIP CODE OF DEFENDANT Cesar Cruz Sanchez Aka Cesar Cruz 44 Myrtle St Hyattsville MD							
COURT USE ONLY →	A hearing upon this complaint application will be held at the above court address on			DATE OF HEARING	TIME OF HEARING	COURT USE ONLY ←	

CASE PARTICULARS — BE SPECIFIC

O.	NAME OF VICTIM Owner of property, person assaulted, etc.	DESCRIPTION OF PROPERTY Goods stolen, what destroyed, etc.	VALUE OR PROPERTY Over or under \$250.	TYPE OF CONTROLLED SUBSTANCE OR WEAPON Marijuana, gun, etc.
1				Heroin
2				
3				
4				

OTHER REMARKS:

*see arrest report*X *MU*
SIGNATURE OF COMPLAINANT**DEFENDANT IDENTIFICATION INFORMATION — Complete data below if known.**

DATE OF BIRTH 4-5-73	PLACE OF BIRTH Hyattsville MD	SOCIAL SECURITY NUMBER 583-43-1898	SEX M	RACE PR	HEIGHT 67	WEIGHT 130	EYES Bro	HAIR Bro
OCCUPATION Boyer	EMPLOYER/SCHOOL Self	MOTHER'S NAME (MAIDEN) Manchez		FATHER'S NAME Roberto Cruz				

COURT USE ONLY

DATE 9/22/94	DISPOSITION	ASSISTANT CLERK AUTHORIZED BY
	NO PROCESS TO ISSUE <input type="checkbox"/> At request of complainant <input type="checkbox"/> Complainant failed to prosecute <input type="checkbox"/> Insufficient evidence having been presented	
	PROCESS TO ISSUE <input checked="" type="checkbox"/> Sufficient evidence presented <input type="checkbox"/> Defendant failed to appear	TYPE OF PROCESS <input type="checkbox"/> Warrant <input type="checkbox"/> Summons returnable
	<input type="checkbox"/> Continued to _____	
COMMENTS		

COURT COPY

Springfield District Court
80 State Street
Springfield, MA 01103

Handwritten notes and signatures, including "JUL 10 10 30 AM '06" and "RECEIVED".

09 23 94
MONTH DAY YEAR

SPRINGFIELD POLICE DEPARTMENT

GENERAL REPORT FORM

TYPE OF REPORT, SPECIFY: **ARREST REPORT**

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT**SIR:**

ABOUT 10:45am, 09-23-94, SET. TRITES, SGT. COOK, OFFICERS F. FERRER, P. DIAZ, J. JACKSON, AND I PLACED UNDER ARREST THE FOLLOWING: 1) CESAR CRUZ, D.O.B 04-05-73, SS# 513-43-1898, OF 44 MYRTLE ST. FOR 1) DIST. CL. "A" (HEROIN) 2) VIOLATION DRUG FREE SCHODL ZONE AND 2) JULIA NOGUERA, D.O.B 11-07-57, SS# 011-48-7284, OF 22 JOHNSON ST. FOR 1) POSS. CL. "A" (HEROIN).

PRIOR TO THE ARRESTS, THIS OFFICER HAD THE AREA OF PROSPECT ST. AND MASSASOIT ST. UNDER SURVEILLNCE FROM A SECURE AND UNOBSTRUCTED LOCAT ON THIS AREA IS A HIGH CRIME AREA KNOWN FOR THE SALE OF ILLICIT NARCOTICS WHERE NUMEROUS ARRESTS HAVE BEEN MADE IN THE PAST FOR THE SAME. THIS

50 M CR 77 393
POST NO.
CAR NO.
DISTRICT NO. **NARCOTICS**

REPORTED FOR DUTY 8:00a M
REPORTED OFF DUTY 4:00p M

REPORTING OFFICER
KEVIN LEE #40363

DIVISION AFFECTED

09 23 94
MONTH DAY YEAR

SPRINGFIELD POLICE DEPARTMENT

GENERAL REPORT FORM

TYPE OF REPORT, SPECIFY: **ARREST REPORT**

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT

OFFICERS ATTENTION BECAME FOCUSED ON A PR/M, WEARING A BLACK VEST WITH A WHITE SEAT SHIRT UNDERNEATH, OLIVE COLORED PANTS, AND A BLACK BASEBALL CAP (LATER I.D AS CRUZ) WHO WAS TANDING IN FRONT OF 100 MASSASOIT ST. AT ONE POINT A RED COLORED FOUR DOOR CHEVY PULLED IN FRONT OF 100 MASSASOIT STA AND WAS APPROACHED BY CRUZ. AFTER A BRIEF CONVERSATION WITH THE PASSENGER, CRUZ REMOVED A WHITE COLORED ITEM FROM HIS RIGHT FRONT PANT POCKET AND HANDED IT TO THE PASSENGER (LATER I.D AS NOGUERA) IN EXCHANGE FOR GREEN REPER MONEY. THIS OFFICER GAVE THE DESCRIPTION AND DIRECTION OF TRAVEL TO THE ABOVE OFFICERS WHO STOPPED TH THE CHEVY AT CHESTNUT ST. AND ALLENDALE ST? SGT. TRITES APPROACHED THE PASSENGER SIDE OF THE CHEVY AND OBSERVED NOGUERA PLACE A WHITE ITEM

50 M CR 77 393
POST NO.
CAR NO.
DISTRICT NO. **NARCOTICS**

REPORTED FOR DUTY 8:00a M
REPORTED OFF DUTY 4:00p M

REPORTING OFFICER
KEVIN LEE #40363

DIVISION AFFECTED

09 23 94
MONTH DAY YEAR

SPRINGFIELD POLICE DEPARTMENT

GENERAL REPORT FORM

TYPE OF REPORT,
SPECIFY:

ARREST REPORT

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT

INTO HER MOUTH. WITH THE ASSISTENCE OF OTHER OFFICERS, NOGUERA SPIT
A WHITE PLASTIC BAG CONSISTENTING OF WHITE POWDER TO THE GROUND, THIS
BAG BEING CONSISTENT WITH HEROIN. NOGUERA WAS PLACED UNDER ARREST.
WHILE EFFECTING THE ARREST OF NOGUERA THIS OFFICER OBSERVED CRUZ
INVOLVED IN TWO OTHER SIMILAR TRANSACTIONS, ONE OF WHICH WAS A
TRANSACTION WITH A WHITE MALE ON FOOT AND THE OTHER WITH A COPPER
STATION WAGON. AFTER EACH TRANSACTION CRUZ WOULD ENTER A GRAY RX-7
MAZDA, MA-REG 538-CMD, AND RETURN TO THE AREA IN WHICH HE WAS STANDING.

CRUZ ENTERED THE GRAY MAZDA, THIS OFFICER GAVE A DESCRIPTION AND
DIRECTION OF TRAVEL TO THE ABOVE OFFICERS AND ASKED THEM TO STOP THE
MAZDA, THE ABOVE OFFICERS STOPPED THE MAZDA AT CHESTNUT ST. AND

50 M CR 77 393

POST NO.
CAR NO.
DISTRICT NO. NARCOTICS

REPORTED FOR DUTY	8:00a	M
REPORTED OFF DUTY	4:00p	M

REPORTING OFFICER
KEVIN LEE #40363

DIVISION AFFECTED

09 23 94
MONTH DAY YEAR

SPRINGFIELD POLICE DEPARTMENT

GENERAL REPORT FORM

TYPE OF REPORT,
SPECIFY:

ARREST REPORT

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT

MONTMORENCI ST. WHERE CRUZ WAS PLACED UNDER ARREST. LOCATED ON THE
PERSON OF CRUZ WAS \$ 61.00. MAZDA SEIZED TAG # 141525, MONEY TAGGED #
141526, HEROIN TAG # 141524. THE ABOVE TRANSACTIONS TOOK PLACE
WITHIN A 1,000 FT. OF THE CHESTNUT ST. MIDDLE SCHOOL WHICH IS AN
A FUNCTIONING SCHOOL IN THE CITY OF SPRINGFIELD.

ASSISTANT CLERK

50 M CR 77 393

POST NO.
CAR NO.
DISTRICT NO. NARCOTICS

REPORTED FOR DUTY	8:00a	M
REPORTED OFF DUTY	4:00p	M

RESPECTFULLY SUBMITTED

REPORTING OFFICER
KEVIN LEE #40363

9423CR 10156

ATTORNEY NAME

☐ Waived
☒ Retained
☐ Assigned

ATTY LAURO

TERMS OF RELEASE

DATE

PROCEEDING

SEP 22 1994

☒ Arraigned before J. Schubert
☐ Advised of right to counsel
☐ Advised of right to drug exam
☐ Advised of right to bail review
☐ Advised of right to F.I. Jury Trial
☐ Waives ☐ Requests F.I. Jury Trial
☐ Advised of alien rights
☐ Warrant issued ☐ Default warrant issued
☐ Default removed ☐ Warrant recalled
☐ Warrant issued ☐ Default warrant issued
☐ Default removed ☒ Warrant recalled

JUN - 9 1995

FINE

SURFINE

COSTS

TOTAL DUE

50 30

IMPRISONMENT AND OTHER DISPOSITION

FILED

WITH CONSENT OF DEFENDANT

FINAL DISPOSITION

DATE

☐ Discharged from probation
☐ Dismissed at request of probation

FINE

SURFINE

COSTS

TOTAL DUE

IMPRISONMENT AND OTHER DISPOSITION

FINAL DISPOSITION

DATE

☐ Discharged from probation
☐ Dismissed at request of probation

FINE

SURFINE

COSTS

TOTAL DUE

IMPRISONMENT AND OTHER DISPOSITION

FINAL DISPOSITION

DATE

☐ Discharged from probation
☐ Dismissed at request of probation

FINE

SURFINE

COSTS

TOTAL DUE

IMPRISONMENT AND OTHER DISPOSITION

FINAL DISPOSITION

DATE

☐ Discharged from probation
☐ Dismissed at request of probation

CONT. TO

PURPOSE

CONT. TO

PURPOSE

SEP 22 1994

C. 10/7/94

(Schubert)

FOR A/MAKING (unw)

DATE

TAPE NO.

START

STOP

JUN - 9 1995

95-212

JUN - 9 1995

95-213

DATE	DOCKET ENTRIES
OCT 07 1994	AMY CAURO C 12/20/94 (E)
DEC 20 1994	DEFAULT & WARRANT Cota, R. Brathin
MAR 13 1995	NYL. SUPREME COURT ON REHEARING DEFAULT REPORTED / warrant. CONTINUED
	C. 3/23/95 (C)
3-23-95	C 4/14/95 ptc #4
4-14-95	C 5-9-95 (T) (Dusk Gomez)
MAY 9 1995	C 6-9-95 (T) Dusk-Gomez JS
JUL 11 1995	PAYMENT OF FINE/COSTS/FEE EXTENDED UNTIL 8-25-95
11/18/98	Warrant - non payment 30- per prohibition per WARRANT
11-20-98	Warrant Issued (B)
JAN 07 2005	WR, \$ revoked, case closed

TENDER OF PLEA OR ADMISSION

DOCKET NUMBER

94-10156

Trial Court of Massachusetts
District Court Department

COURT DIVISION

Springfield District Court
50 State Street
Springfield, MA 01103

COMMONWEALTH VS

COSM Smecker

NAME OF DEFENDANT

TENDER OF PLEA OR ADMISSION

PART I: To be completed, where possible, prior to the Pretrial Hearing, subscribed by both counsel and submitted to the court by the defendant at that hearing.

Defendant in this case hereby tenders the following:

☒ PLEA OF GUILTY☐ ADMISSION TO FACTS SUFFICIENT
FOR A FINDING OF GUILTY

conditioned on the following dispositional terms: (Include all proposed terms (guilty finding, finding of sufficient facts, continued without finding, fine, costs, probation, restitution, dismissal, etc.).) Counts/offenses as listed on complaint:

Count/offense 1 Guilty 90 days HOC - 1 day HOC

Count/offense 2 Guilty 2 YRS. O/A Concurrent w/

Count/offense 3 94-12318

Count/offense 4

(Attach an additional sheet, if necessary.)

The above-listed terms are submitted for the court's consideration ☐ WITH ☐ WITHOUT the agreement of the Commonwealth.

Signatures:

Defense Counsel

Date

Assistant District Attorney

Date

PART II: To be completed by the Court

COURT'S RULING

The court ☒ ACCEPTS the Plea/Admission tendered on the terms set forth above, and will impose sentence in accordance with such terms, subject to submission of defendant's written jury waiver (see reverse side), completion of the required colloquy, determination of factual basis and notice of alien rights.The court ☐ REJECTS the dispositional terms set forth above and, in accordance with Mass R. Crim. P. 12(c)(6), will set forth the dispositional terms it would find acceptable.

DEFENDANT'S DECISION UPON REJECTION OF TERMS

Defendant ☐ WITHDRAWS tendered Plea/Admission; Pretrial Hearing to be completed and trial date scheduled, if necessary.Defendant ☐ ACCEPTS terms set forth by the Court; Plea/Admission to be accepted by court and said dispositional terms imposed, subject to submission of defendant's written jury waiver (see reverse side), completion of the required colloquy, determination of factual basis and notice of alien rights.

Judge

(Final dispositional terms to be announced on the record and recorded on case docket sheet.)

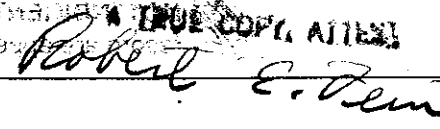
WAIVER OF JURY TRIAL DEFENSE COUNSEL'S CERTIFICATE		DOCKET NUMBER	Trial Court of Massachusetts District Court Department
COURT DIVISION Springfield District Court 50 State Street Springfield, MA 01103	COMMONWEALTH VS.	NAME OF DEFENDANT	
<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> WAIVER OF RIGHT TO BE TRIED BY JURY (G.L. c. 263, s. 6) </div>			
I, the above-named defendant, have been informed of my right to be tried by a jury. I understand that right. I have decided to waive that right. I have chosen to plead guilty or admit to a finding of guilty.			
DATE		SIGNATURE OF DEFENDANT	
		<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> DEFENSE COUNSEL'S CERTIFICATE (G.L. c. 218, s. 26A) </div>	
I, the undersigned counsel for the above-named defendant in the case captioned above, certify that with regard to the waiver of the right to jury trial, I have explained the following to said defendant:			
That the jury consists of members of the community;			
That the defendant may participate in their selection;			
That the verdict of the jury must be unanimous; and			
That the jury must decide guilt or innocence while the judge makes rulings of law in the course of the trial and instructs the jury on the law, and imposes sentence in case of guilt.			
DATE		SIGNATURE OF DEFENSE COUNSEL	

COURT DIVISION Spfld.		NAME, ADDRESS AND ZIP CODE OF DEFENDANT Cesar Cruz Sanchez AKA Cesar Cruz 44 Myrtle St. Spfld., Mass		<p align="center">TRIAL COURT OF MASSACHUSETTS District Court Department</p> <p align="center">FINDING OF JUDGE</p> <p align="center">TO ANY JUSTICE OR CLERK-MAGISTRATE OF THE DISTRICT COURT DEPARTMENT:</p> <p>The within named and undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.</p>	
DEF. DOB AND SEX 4/5/73 PR,M	OFFENSE CODE(S) 806				
DATE OF OFFENSE 9/21/94	PLACE OF OFFENSE Spfld.				
COMPLAINANT Glenn Lungarini	POLICE DEPARTMENT (if applicable) Spfld.				
DATE OF COMPLAINT 9/22/94	RETURN DATE AND TIME arrest				
COUNT-OFFENSE .MFG.,DISTRIB.,DISPENSING CLASS A SUB. C94C S32					

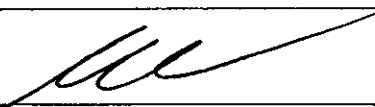

not being authorized by law, did knowingly or intentionally manufacture, distribute or dispense a controlled substance in Class "A" of G.L. c.94C, s.31, to wit: heroin, in violation of G.L. c.94C, s.32,

COUNT-OFFENSE	
---------------	--

COUNT-OFFENSE	
---------------	--


ASSISTANT CLERK

WARRANT OF ARREST

COMPLAINANT	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK	ON (DATE)	ADDITIONAL COUNTS ATTACHED
	x 	9/22/94	<input type="checkbox"/>
FIRST JUSTICE Sweeney	COURT ADDRESS 50 State St. Spfld., Mass		
TRUE COPY TEST: X	CLERK-MAGISTRATE/ASST. CLERK	ON (DATE)	

FINDING OF JUDGE-DETERMINATION OF INDIGENCY

After considering the report and recommendation of the probation officer or other appropriate court employee and after interrogating the defendant named in the complaint on the reverse side, if appropriate, based upon the standards in Supreme Judicial Court Rule 3:10, I FIND THAT THE DEFENDANT IS:

☐ **INDIGENT** because the defendant:

- ☐ receives Aid to Families with Dependent Children (AFDC).
- ☐ receives Emergency Aid to Elderly, Disabled and Children (EAEDC).
- ☐ receives poverty-related veterans' benefits.
- ☐ receives food stamps.
- ☐ receives refugee resettlement benefits.
- ☐ receives Medicaid.
- ☐ receives Supplemental Security Income (SSI).
- ☐ is a patient in a mental health facility or treatment center (or is the subject of a proceeding for admission to such a facility) and lacks available funds.
- ☐ is serving a sentence in a correctional institution and has no available funds.
- ☐ is held in custody in a jail and has no available funds.
- ☐ has an annual income, after taxes, 125% or less of the current poverty threshold referred to in G.L. c. 261, § 27A(b).
- ☐ is determined to be indigent pursuant to S.J.C. Rule 3:10, Section 4(b) [Judge's Section 4(b) findings on the record are appended].

☐ **INDIGENT BUT ABLE TO CONTRIBUTE**, and is therefore ordered to pay

\$ _____ toward the cost of counsel because
the defendant:

- ☐ has an annual income, after taxes, of more than 125% and less than 250% of the current poverty threshold referred to in G.L.c. 261, § 27A(b).
- ☐ is charged with a felony within the jurisdiction of the Superior Court and has available funds sufficient to pay a portion of the anticipated cost of counsel.
- ☐ is determined to be indigent but able to contribute pursuant to S.J.C. Rule 3:10, Section 4(b) [Judge's Section 4(b) findings on the record are appended].

☒ **NOT INDIGENT** and is able to pay the anticipated cost of counsel [Judge's findings on the record are appended if this finding is pursuant to S.J.C. Rule 3:10, Section 4(b)].

Date

District Court Justice

CERTIFICATE OF JUDGE — WAIVER OF COUNSEL

I hereby certify that the defendant named in the complaint on the reverse side has been informed of his/her right to counsel in accordance with Supreme Judicial Court Rule 3:10 and G.L. c. 211D, §5; that he/she has knowingly elected to proceed without a lawyer; and that he/she has:

☐ Executed a waiver of counsel in my presence.

☒ Refused to sign a waiver.

Date

District Court Justice

APPLICATION FOR COMPLAINT ☒ ADULT ☐ JUVENILE

Case 3:05-cr-0042-MLW Document 102-5 Filed 08/01/08 Page 1 of 1
NUMBER 99-12318

State Court of Massachusetts
District Court Department

☒ ARREST ☐ HEARING ☐ SUMMONS ☐ WARRANT

The within named complainant requests that a complaint issue against the within named defendant, charging said defendant with the offense(s) listed below.

COURT DIVISION
Springfield District Court
50 State Street
Springfield, MA 01103

DATE OF APPLICATION 11-2-94
DATE OF OFFENSE 11-7-94
PLACE OF OFFENSE 11/2

NAME OF COMPLAINANT

ADDRESS AND ZIP CODE OF COMPLAINANT

NAME, ADDRESS AND ZIP CODE OF DEFENDANT
Aka Cesar Sanchez Cruz
44 Myrtle St
F22 Springfield MA

NO.	OFFENSE	G.L. Ch. and Sec
1.	Dist Class A	804
2.	Dist Class B	807
3.	Prob Class A w/PS	801
4.	UOR 52 F22 Springfield MA	819a
DATE OF HEARING		COURT USE ONLY

COURT USE ONLY
A hearing upon this complaint application will be held at the above court address on

CASE PARTICULARS — BE SPECIFIC

NO.	NAME OF VICTIM Owner of property, person assaulted, etc.	DESCRIPTION OF PROPERTY Goods stolen, what destroyed, etc.	VALUE OR PROPERTY Over or under \$250.	TYPE OF CONTROLLED SUBSTANCE OR WEAPON Marijuana, gun, etc.
1				Heroin
2				Cocaine
3				Heroin
4				Heroin/Marijuana School

OTHER REMARKS:

see police report

X. SIGNATURE OF COMPLAINANT

DEFENDANT IDENTIFICATION INFORMATION — Complete data below if known.

DATE OF BIRTH 4-5-73	PLACE OF BIRTH Springfield MA	SOCIAL SECURITY NUMBER 583 43 1898	SEX M	RACE P	HEIGHT 5'6"	WEIGHT 130	EYES BRO	HAIR BLK
OCCUPATION	EMPLOYER/SCHOOL	MOTHER'S NAME (MAIDEN) Calista Sanchez	FATHER'S NAME (MARRIED) Francis Brown					

COURT USE ONLY

DATE	DISPOSITION	AUTHORIZED BY
	NO PROCESS TO ISSUE <input type="checkbox"/> At request of complainant <input type="checkbox"/> Complainant failed to prosecute <input type="checkbox"/> Insufficient evidence having been presented	
11/2/94	PROCESS TO ISSUE <input checked="" type="checkbox"/> Sufficient evidence presented <input type="checkbox"/> Defendant failed to appear TYPE OF PROCESS <input type="checkbox"/> Warrant <input type="checkbox"/> Summons returnable	
	<input type="checkbox"/> Continued to	

COMMENTS

ADA

11 - 1 - 94
MONTH DAY YEAR

SPRINGFIELD POLICE DEPARTMENT

GENERAL REPORT FORM

TYPE OF REPORT,
SPECIFY:

ARREST REPORT

PG 1 OF 5

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT

SIR:

AT 7:40P.M. NARCOTICS BUREAU DETECTIVES D.WILLIAMS, F.FOSSA, T.KENNEY, AND I

ARRESTED AT FRANKLIN ST. & MURRAY HILL AVE. A

1. ALBERTO T. BAEZ H/M OF 2141 MAIN ST. SPFLD. MASS. D.O.B. 3-28-53, SS#584-47-1231.

FOR 1. POSS. OF CLASS "A" HEROIN

2. POSS. OF CLASS "B" COCAINE

AT ARMORY ST. & WORTHINGTON STS. A

2. CEASAR CRUZ SANCHEZ H/M OF 44 MYRTLE ST. 2ND. FLR. SPFLD. MASS. D.O.B. 4-5-73,

SS# 583-43-1898. FOR 1. DIST. OF CLASS "A" HEROIN

2. DIST. OF CLASS "B" COCAINE

3. POSS. OF CLASS "A" HEROIN W/I TO DIST.

50 M CR 77 393	POST NO. NARCOTICS	REPORTED FOR DUTY	4P M	REPORTING OFFICER SGT. THOMAS MELEADY
	CAR NO.			
	DISTRICT NO.	REPORTED OFF DUTY	12A M	

RECORDS COPY

11 - 1 - 94
MONTH DAY YEAR

SPRINGFIELD POLICE DEPARTMENT

GENERAL REPORT FORM

TYPE OF REPORT,
SPECIFY:

ARREST REPORT

PG 2 OF 5

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT

4. VIO. OF A DRUG FREE SCHOOL ZONE (CHESTNUT MIDDLE SCHOOL)

PRIOR TO THE ARRESTS SGT. T. MELEADY SET UP A SURVEILLANCE ON THE AREA OF PROSPECT

ST. & MASSASOIT ST. FROM A SECURE LOCATION, AND WITH A CLEAR AND UNOBSTRUCTED VIEW.

THIS IS A HIGH CRIME AREA KNOWN FOR THE ILLICIT SALE OF NARCOTICS WHERE NUMEROUS

ARRESTS HAVE BEEN MADE FOR THESE OFFENSES. AND THE FOCUS OF MANY COMPLAINTS FROM

AREA RESIDENTS OF OPEN DRUG DEALING. DURING THE SURVEILLANCE MY ATTENTION BECAME

FOCUSED ON SEVERAL H/M'S THAT WERE LOITERING AROUND #100 MASSASOIT ST. AND ALSO

THE CORNER OF PROSPECT ST. & MASSASOIT ST. ONE SUBJECT WEARING A BOSTON BRUINS

BALL HAT, JACKET, GOLD PANTS, AND BOOTS LATER I.D. AS (SANCHEZ) WOULD RUN OUT TO

PASSING CARS THAT WOULD STOP ON MASSASOIT ST. AND EXCHANGE SMALL ITEMS WITH THE

OCCUPANTS FOR PAPER CURRENCY WHICH HE WOULD PLACE INTO HIS PANTS POCKET RETURNING-

50 M CR 77 393	POST NO. NARCOTICS	REPORTED FOR DUTY	4P M	REPORTING OFFICER SGT. THOMAS MELEADY
	CAR NO.			
	DISTRICT NO.	REPORTED OFF DUTY	12A M	

RECORDS COPY

11 - 1 - 94

MONTH DAY YEAR

SPRINGFIELD POLICE DEPARTMENT

GENERAL REPORT FORM

TYPE OF REPORT,
SPECIFY:

ARREST REPORT

PG 3 OF 5

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT

TO THE FRONT OF #100 MASSASOIT ST. AT ONE POINT A WHITE NEON PULLED ONTO MASSASOIT ST. FROM PROSPECT ST. AND STOPPED NEXT TO THE EAST CURB AND THE PASSENGER GOT OUT OF THE VEHICLE AND STOOD ON THE SIDEWALK WHEN SANCHEZ RAN OVER TO HIS LOCATION AND ENGAGED IN A SHORT CONVERSATION WITH THE PASSENGER OF THE NEON, WHEN SANCHEZ REACHED INTO HIS PANTS POCKET AND DISPLAYED A SMALL ITEM IN HIS OPEN HAND TO THE OTHER SUBJECT WHO TOOK ONE OR MORE OF THESE ITEMS IN EXCHANGE FOR GREEN PAPER MONEY WHICH SANCHEZ PLACED INTO HIS PANTS POCKET. THE NEON THEN LEFT THE AREA EAST ON LEXINGTON ST. I RADIOED THIS INFORMATION TO PRE-POSITIONED OFFICERS WHO WERE ABLE TO STOP THE NEON AT CAREW ST. & MELHA AVE. WHERE OFFICER T.KENNEY OBSERVED THE PASSENGER PUT A ITEM INTO HIS MOUTH AND SWALLOW IT. A FURTHER CHECK OF THE CAR AND THE OCCUPANTS PROVED NEGATIVE FOR NARCOTICS. WHILE OFFICERS WERE STOPPING THE-

POST NO. NARCOTICS	REPORTED FOR DUTY 4P M	REPORTING OFFICER SGT. THOMAS MELEADY
CAR NO.		
DISTRICT NO.	REPORTED OFF DUTY 12A M	

RECORDS COPY

11 - 1 - 94

MONTH DAY YEAR

SPRINGFIELD POLICE DEPARTMENT

GENERAL REPORT FORM

TYPE OF REPORT,
SPECIFY:

ARREST REPORT

PG 4 OF 5

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT

NEON, SANCHEZ WENT DOWN THE SIDE YARD OF #100 MASSASOIT ST. FOR A BRIEF PERIOD OF TIME AND RETURNED. SEVERAL MINUTES LATER A BLUE & WHITE CHEVY PICK-UP TRUCK PULLED UP ON MASSASOIT ST. FACING SOUTH AND STOPPED IN FRONT OF #100 WHEN SANCHEZ RAN OVER TO THE DRIVERS SIDE OF THE TRUCK WHERE THE OPERATOR WAS STANDING BESIDE THE TRUCK AND ENGAGED IN A SHORT CONVERSATION WITH THE OPERATOR WHEN SANCHEZ REACHED INTO HIS PANTS POCKET AND DISPLAYED A SMALL ITEM TO THE OPERATOR OF THE TRUCK WHO TOOK ONE OR MORE OF THESE ITEMS IN EXCHANGE FOR GREEN PAPER MONEY WHICH SANCHEZ PLACED INTO HIS PANTS POCKET. THE OPERATOR OF THE TRUCK REMAINED BESIDE THE TRUCK WHILE SANCHEZ STOOD DOWN THE SIDE OF #100 MASSASOIT ST. FOR SEVERAL SECONDS ONLY TO REAPPEAR AND GO BACK TO THE OPERATOR OF THE TRUCK AND HAND HIM WHAT APPEARED TO BE ANOTHER SMALL ITEM. THE TRUCK THEN LEFT THE SCENE EAST UP PROSPECT ST. I RADIOED THIS INFORMATION-

POST NO. NARCOTICS	REPORTED FOR DUTY 4P M	REPORTING OFFICER SGT. THOMAS MELEADY
CAR NO.		
DISTRICT NO.	REPORTED OFF DUTY 12A M	

RECORDS COPY

A TRUE COPY, ATTEST:

E. Klein
ASSISTANT CLERK

10/1/05
10/1/05
10/1/05

TYPE OF REPORT,
SPECIFY:**ARREST REPORT**

PG 5 OF 5

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT

TO PRE-POSITIONED OFFICERS WHO WERE ABLE TO STOP IT AT FRANKLIN ST. & MURRAY HILL AVE. WHERE OFFICER T.KENNEY ASSISTED THE OPERATOR BAEZ IN SPITTING ONE BAG OF POWDER COCAINE & ONE BAG OF HEROIN #1 LOGO FROM HIS MOUTH. TAG #141844&5. SHORTLY AFTER BAEZ WAS SECURED SANCHEZ ENTERED A BLUE FORD MUSTANG WITH ANOTHER SUBJECT AND LEFT THE SCENE EAST UP PROSPECT ST. I RADIOED THIS INFORMATION TO PRE-POSITIONED OFFICERS WHO WERE ABLE TO STOP IT AT ARMORY ST. & WORTHINGTON ST. WHERE OFFICER D.WILLIAMS OBSERVED SANCHEZ DROP ONE BAG OF HEROIN # 1 LOGO TO THE PASSENGER SEAT OF THE CAR. TAG#141846. AT THE STATION OFFICER F.FOSSA RECOVERED \$759.00 CASH FROM SANCHEZ'S PANTS POCKET ALONG WITH A MOBILEMEDIA BEEPER. TAG#141847&8. THE LOCATION OF THE ABOVE TRANSACTIONS IS WELL WITHIN 1,000 FT. OF THE CHESTNUT MIDDLE SCHOOL A ACTIVE SCHOOL IN THE CITY OF SPFLD. LT.R.LABELLE NOTIFIED. RESPECTFULLY SUBMITTED

50 M CR 77.3/93

POST NO. NARCOTICS

CAR NO.

DISTRICT NO.

REPORTED FOR DUTY

4P

M

REPORTED OFF DUTY

12A

M

REPORTING OFFICER
SGT. THOMAS MELEADY

RECORDS COPY

Robert E. Allen
COPIES ATTEST
ASSISTANT CLERK

9423CR 12318

COURT DIVISION

Spfld.

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

Cesar Sanchez Cruz
AKA Cesar Cruz Sanchez
44 Myrtle ST. F22
Spfld., Mass

DEF. DOB AND SEX

4/5/73 PR/M

OFFENSE CODE(S)

806, 807, 801, 812a

DATE OF OFFENSE

11/1/94

PLACE OF OFFENSE

Spfld.

COMPLAINANT

Glenn Lungarini

POLICE DEPARTMENT (if applicable)

Spfld.

DATE OF COMPLAINT

11/2/94

RETURN DATE AND TIME

arrest

COUNT-OFFENSE

.MFG./DISTRIB./DISPENSING CLASS A SUB. C94C S32

DATE MAR 13 1995

PLEA

☒ Not Guilty ☐ Guilty ☐ Nolo☐ New Plea:☐ Admits suff. facts

FINDING

JUDGE

JUN - 9 1995

GUILTY

Sheehy

☐ Cont. w/o finding until:☐ Appeal of find. & disp.☐ Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION

To pay HFC

FINAL DISPOSITION

☐ Discharged from probation☐ Dismissed at request of probation

DATE

COUNT-OFFENSE

.MFG./DISTRIB./DISPENSING CLASS B SUB. C94C S32A(a)

DATE MAR 13 1995

PLEA

☒ Not Guilty ☐ Guilty ☐ Nolo☐ New Plea:☐ Admits suff. facts

FINDING

JUDGE

JUN - 9 1995

GUILTY

Sheehy

☐ Cont. w/o finding until:☐ Appeal of find. & disp.☐ Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION

FILED
WITH CONSENT OF DEFENDANT

FINAL DISPOSITION

☐ Discharged from probation☐ Dismissed at request of probation

DATE

COUNT-OFFENSE

.POSS. CLASS A SUB. W/INT. TO DISTRIB./MFG. C94C S32

DATE MAR 13 1995

PLEA

☒ Not Guilty ☐ Guilty ☐ Nolo☐ New Plea:☐ Admits suff. facts

FINDING

JUDGE

JUN - 9 1995

Sheehy

☐ Cont. w/o finding until:☐ Appeal of find. & disp.☐ Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION

Somerset Compl Allega
Plea not guilty
FILED

FINAL DISPOSITION

☐ Discharged from probation☐ Dismissed at request of probation

DATE

COUNT-OFFENSE

.DRUG FREE ZONE C94C 32J

DATE MAR 13 1995

PLEA

☒ Not Guilty ☐ Guilty ☐ Nolo☐ New Plea:☐ Admits suff. facts

FINDING

JUDGE

JUN - 9 1995

GUILTY

Sheehy

☐ Cont. w/o finding until:☐ Appeal of find. & disp.☐ Appeal of disp.

IMPRISONMENT AND OTHER DISPOSITION

2 yrs HFC on and
after Count (a)
for future
DATE

FINAL DISPOSITION

☐ Discharged from probation☐ Dismissed at request of probation

DATE

CONT. TO

PURPOSE

CONT. TO

PURPOSE

DATE

TAPE NO.


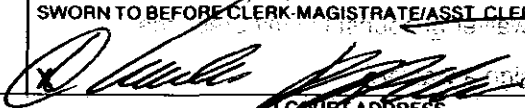
START

STOP

PAYMENT OF FINE/COSTS/FEES

SUSPENDED UNTIL

JAN

COURT DIVISION Spfld.		9423CR 12316		The Court of Massachusetts District Court Department	
NAME, ADDRESS AND ZIP CODE OF DEFENDANT Ceasar Sanchez Cruz AKA Ceasar Cruz Sanchez 44 Myrtle St. F22 Spfld., Mass		FINDING OF JUDGE-CLERK-MAGISTRATE TO ANY JUSTICE OR CLERK-MAGISTRATE OF THE DISTRICT COURT DEPARTMENT: The within named and undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.			
DEF. DOB AND SEX 4/5/73 PR/M	OFFENSE CODE(S) 806, 807, 801, 818a				
DATE OF OFFENSE 11/1/94	PLACE OF OFFENSE Spfld.				
COMPLAINANT Glenn Lungarini	POLICE DEPARTMENT (if applicable) Spfld.				
DATE OF COMPLAINT 11/2/94	RETURN DATE AND TIME arrest				
COUNT-OFFENSE .MFG./DISTRIB./DISPENSING CLASS A SUB. C94C S32		not being authorized by law, did knowingly or intentionally manufacture, distribute or dispense a controlled substance in Class "A" of G.L. c.94C, s.31, to wit: heroin, in violation of G.L. c.94C, s.32			
COUNT-OFFENSE .MFG./DISTRIB./DISPENSING CLASS B SUB. C94C S32A(a)		not being authorized by law, did knowingly or intentionally manufacture, distribute or dispense a controlled substance in Class "B" of G.L. c.94C, s.31, to wit: cocaine, in violation of G.L. c.94C, s.32A(a)			
COUNT-OFFENSE .POSS. CLASS A SUB. W/INT. TO DISTRIB./MFG. C94C S32		not being authorized by law, did knowingly or intentionally possess with intent to manufacture, distribute or dispense a controlled substance in Class "A" of G.L. c.94C, s.31, to wit: heroin, in violation of G.L. c.94C, s.32.			
COUNT-OFFENSE .DRUG-FREE ZONE-C94C 32J		did knowingly or intentionally manufacture, distribute, dispense or possess with intent to manufacture, distribute, or dispense within 1000 feet of the real property comprising a public or private elementary, vocational, or secondary school whether or not in session or a within 100 feet of a park or playground to wit, Chestnut Middle School, a controlled substance to wit, cocaine & heroin in violation of M.G.L. C94C S32J.			
COMPLAINANT  George Sheehy	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK 	ON (DATE) 11-2-94	ADDITIONAL COUNTS ATTACHED <input type="checkbox"/>		
A TRUE COPY ATTEST: X	CLERK-MAGISTRATE/ASST. CLERK ON (DATE)	COURT ADDRESS 50 State St. Spfld. Mass			

TRUE COPY, ATTEST
Robert E. Flynn
ASSISTANT CLERK

FINDING OF JUDGE-DETERMINATION OF INDIGENCY

After considering the report and recommendation of the probation officer or other appropriate court employee, and after interrogating the defendant named in the complaint on the reverse side, if appropriate, based upon the standards in Supreme Judicial Court Rule 3:10, I FIND THAT THE DEFENDANT IS:

☐ **INDIGENT** because the defendant:

- ☐ receives Aid to Families with Dependent Children (AFDC)
- ☐ receives Emergency Aid to Elderly, Disabled and Children (EAEDC).
- ☐ receives poverty-related veterans' benefits.
- ☐ receives food stamps.
- ☐ receives refugee resettlement benefits.
- ☐ receives Medicaid.
- ☐ receives Supplemental Security Income (SSI).
- ☐ is a patient in a mental health facility or treatment center (or, is the subject of a proceeding for admission to such a facility) and lacks available funds.
- ☐ is serving a sentence in a correctional institution and has no available funds.
- ☐ is held in custody in a jail and has no available funds.
- ☐ has an annual income, after taxes, 125% or less of the current poverty threshold referred to in G.L. c. 261, § 27A(b).
- ☐ is determined to be indigent pursuant to S.J.C. Rule 3:10, Section 4(b) [Judge's Section 4(b) findings on the record are appended].

☐ **INDIGENT BUT ABLE TO CONTRIBUTE**, and is therefore ordered to pay

\$ _____ toward the cost of counsel because
the defendant:

- ☐ has an annual income, after taxes, of more than 125% and less than 250% of the current poverty threshold referred to in G.L. c. 261, § 27A(b).
- ☐ is charged with a felony within the jurisdiction of the Superior Court and has available funds sufficient to pay a portion of the anticipated cost of counsel.
- ☐ is determined to be indigent but able to contribute pursuant to S.J.C. Rule 3:10, Section 4(b) [Judge's Section 4(b) findings on the record are appended].

☐ **NOT INDIGENT** and is able to pay the anticipated cost of counsel [Judge's findings on the record are appended if this finding is pursuant to S.J.C. Rule 3:10, Section 4(b)].

Date _____

District Court Justice _____

CERTIFICATE OF JUDGE — WAIVER OF COUNSEL

I hereby certify that the defendant named in the complaint on the reverse side has been informed of his/her right to counsel in accordance with Supreme Judicial Court Rule 3:10 and G.L. c. 211D, §5; that he/she has knowingly elected to proceed without a lawyer; and that he/she has:

☐ Executed a waiver of counsel in my presence.

☒ Refused to sign a waiver.

Date _____

District Court Justice _____

TENDER OF PLEA OR ADMISSION

DOCKET NUMBER

74-1036

Trial Court of Massachusetts
District Court Department

COURT DIVISION

Springfield District Court
50 State Street
Springfield, MA 01103

COMMONWEALTH VS.

NAME OF DEFENDANT

TENDER OF PLEA OR ADMISSION

PART I: To be completed, where possible, prior to the Pretrial Hearing, subscribed by both counsel and submitted to the court by the defendant at that hearing.

Defendant in this case hereby tenders the following: ☒ PLEA OF GUILTY ☐ ADMISSION TO FACTS SUFFICIENT FOR A FINDING OF GUILTY

conditioned on the following dispositional terms. (Include all proposed terms, guilty finding, finding of sufficient facts, continued without finding, fine, costs, probation, restitution, dismissal, etc.) Counts/offenses as listed on complaint.

Count/offense 1 Guilty Common Plea 90 days / 100.00 1 day HOC

Count/offense 2 Guilty Common Plea 9 Filed

Count/offense 3 Guilty to so much as possession Filed

Count/offense 4 Guilty 2 yrs o/a Filed

(Attach an additional sheet, if necessary)

The above-listed terms are submitted for the court's consideration ☒ WITH ☐ WITHOUT the agreement of the Commonwealth.

Signatures:

Defense Counsel

Date

Assistant District Attorney

Date

PART II: To be completed by the Court.

COURT'S RULING

The court ☒ ACCEPTS the Plea/Admission tendered on the terms set forth above, and will impose sentence in accordance with such terms, subject to submission of defendant's written jury waiver (see reverse side), completion of the required colloquy, determination of factual basis and notice of alien rights.The court ☐ REJECTS the dispositional terms set forth above and, in accordance with Mass. R. Crim. P. 12(c)(6), will set forth the dispositional terms it would find acceptable.

DEFENDANT'S DECISION UPON REJECTION OF TERMS

Defendant ☐ WITHDRAWS tendered Plea/Admission; Pretrial Hearing to be completed and trial date scheduled, if necessary.Defendant ☐ ACCEPTS terms set forth by the Court; Plea/Admission to be accepted by court and said dispositional terms imposed, subject to submission of defendant's written jury waiver (see reverse side), completion of the required colloquy, determination of factual basis and notice of alien rights.

Judge

(Final dispositional terms to be announced on the record and recorded on case docket sheet.)

**WAIVER OF JURY TRIAL
DEFENSE COUNSEL'S CERTIFICATE**

DOCKET NUMBER

**United Court of Massachusetts
District Court Department**

 Springfield District Court
 50 State Street
 Springfield, MA 01103

COMMONWEALTH VS

NAME OF DEFENDANT(S)

**WAIVER OF RIGHT TO
BE TRIED BY JURY
(G.L. c. 263, s. 6)**

I, the above named defendant, have been informed of my right to be tried by a jury. I understand that right. I have decided to waive that right. I have chosen to plead guilty or admit to a finding of guilty.

DATE

SIGNATURE OF DEFENDANT

**DEFENSE COUNSEL'S
CERTIFICATE
(G.L. c. 218, s. 26A)**

I, the undersigned counsel for the above named defendant in the case captioned above, certify that with regard to the waiver of the right to jury trial, I have explained the following to said defendant:

That the jury consists of members of the community;

That the defendant may participate in their selection;

That the verdict of the jury must be unanimous; and

That the jury must decide guilt or innocence while the judge makes rulings of law in the course of the trial and instructs the jury on the law, and imposes sentence in case of guilt.

DATE

SIGNATURE OF DEFENSE COUNSEL

COURT DIVISION Spfld.		NAME, ADDRESS AND ZIP CODE OF DEFENDANT Juan Cotto aka Cesar Sanchez 44 Myrtle St. Apt. F22 Spfld., Mass		<input type="checkbox"/> Waived <input checked="" type="checkbox"/> Retained <i>LMRO</i> <input type="checkbox"/> Assigned	
DEF. DOB AND SEX 4/5/73 PR/M		OFFENSE CODE(S) 802, 818a, 111, 122, 110, 124		TERMS OF RELEASE <i>\$3,000.00 c/s</i> DATE MAR 13 1995	
DATE OF OFFENSE 3/10/95		PLACE OF OFFENSE Spfld.		PROCEEDING <input checked="" type="checkbox"/> Arraigned before J. <i>CONTINUT</i> <input checked="" type="checkbox"/> Advised of right to counsel <input checked="" type="checkbox"/> Advised of right to drug exam <input type="checkbox"/> Advised of right to bail review <input type="checkbox"/> Advised of right to F.I. Jury Trial <input type="checkbox"/> Waives <input type="checkbox"/> Requests F.I. Jury Trial <input type="checkbox"/> Advised of alien rights <input type="checkbox"/> Warrant issued <input type="checkbox"/> Default warrant issued <input type="checkbox"/> Default removed <input type="checkbox"/> Warrant recalled <input type="checkbox"/> Warrant issued <input type="checkbox"/> Default warrant issued <input type="checkbox"/> Default removed <input type="checkbox"/> Warrant recalled	
COMPLAINANT Glenn Lungarini		POLICE DEPARTMENT (if applicable) Spfld.			
DATE OF COMPLAINT 3/13/95		RETURN DATE AND TIME arrest			
COUNT-OFFENSE .POSS. CLASS B SUB. W/INT.TO DISTAIB./MFG. C94C S32J				FINE SURFINE COSTS <i>150</i> TOTAL DUE <i>150</i>	
DATE MAR 13 1995		PLEA <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts		IMPRISONMENT AND OTHER DISPOSITION <i>Sheehy</i> FILED WITH CONSENT OF DEFENDANT	
FINDING JUN - 9 1995		JUDGE <i>Sheehy</i>		FINAL DISPOSITION <input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation	
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.					
COUNT-OFFENSE .DRUG FREE ZONE C94C 32J				FINE SURFINE COSTS TOTAL DUE	
DATE MAR 13 1995		PLEA <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts		IMPRISONMENT AND OTHER DISPOSITION NOLLE PROSEQUI FILED BY PROSECUTOR	
FINDING JUN - 9 1995		JUDGE <i>Sheehy</i>		FINAL DISPOSITION <input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation	
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.					
COUNT-OFFENSE .OPERATING A MV WITHOUT A LICENSE C90 S10				FINE SURFINE COSTS TOTAL DUE	
DATE MAR 13 1995		PLEA <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts		IMPRISONMENT AND OTHER DISPOSITION FILED WITH CONSENT OF DEFENDANT	
FINDING JUN - 9 1995		JUDGE <i>Sheehy</i>		FINAL DISPOSITION <input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation	
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.					
COUNT-OFFENSE .FAILING TO STOP FOR POL. WHILE OP. A MV C90 S25				FINE SURFINE COSTS TOTAL DUE	
DATE MAR 13 1995		PLEA <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts		IMPRISONMENT AND OTHER DISPOSITION FILED WITH CONSENT OF DEFENDANT	
FINDING JUN - 9 1995		JUDGE <i>Sheehy</i>		FINAL DISPOSITION <input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation	
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.					

CONT. TO	PURPOSE	CONT. TO	PURPOSE	DATE	TAPE NO.	START	STOP
C 3/23/95	(C)			JUN - 9 1995	95-212		
E 3/23/95 - C 4/14/95	late			JUN - 9 1995	95-213		

SEE REVERSE SIDE FOR DOCKET ENTRIES OF MOTIONS, CASE NOTES AND OTHER ACTIONS

DATE	DOCKET ENTRIES
4-14-95	C 5-9-95 trial Dusek Gomez
MAY - 9 1995	C 6/9/95 (1) Dusek-Gomez, J. (2)
JUL 21 1995	PAYMENT OF FINE/COSTS/FEEES EXTENDED UNTIL 8-25-95

DOCKET		ADDITIONAL COUNTS	Page 2 Of	DOCKET NUMBER
COUNT-OFFENSE		110.OP/PUSH/TOW, PERM. OP/PUSH/TOW UNREG. MV/TRLR C90		FINE
DATE		MAR 13 1995		SURFINE
PLEA		<input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts		COSTS
FINDING		RESPONSIBLE		TOTAL DUE
JUDGE		Sheehy		
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.		IMPRISONMENT AND OTHER DISPOSITION		
		FILED		
		WITH CONSENT OF DEFENDANT		
		FINAL DISPOSITION		
		<input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation		
		DATE		
COUNT-OFFENSE		.OP./PERMIT TO OP. UNINSURED M.V.C90 S34J		FINE
DATE		MAR 13 1995		SURFINE
PLEA		<input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts		COSTS
FINDING		JUDGE		TOTAL DUE
		Sheehy		
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.		IMPRISONMENT AND OTHER DISPOSITION		
		FILED		
		WITH CONSENT OF DEFENDANT		
		FINAL DISPOSITION		
		<input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation		
		DATE		
COUNT-OFFENSE		.ATTACHING PLATES TO A MOTOR VEHICLE C90 S23		FINE
DATE		MAR 13 1995		SURFINE
PLEA		<input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts		COSTS
FINDING		JUDGE		TOTAL DUE
		Sheehy		
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.		IMPRISONMENT AND OTHER DISPOSITION		
		FILED		
		WITH CONSENT OF DEFENDANT		
		FINAL DISPOSITION		
		<input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation		
		DATE		
COUNT-OFFENSE		RECEIVING STOLEN PROPERTY, \$250 OR LESS C266 S60		FINE
DATE		MAR 13 1995		SURFINE
PLEA		<input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts		COSTS
FINDING		JUDGE		TOTAL DUE
		Sheehy		
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.		IMPRISONMENT AND OTHER DISPOSITION		
		FILED		
		WITH CONSENT OF DEFENDANT		
		FINAL DISPOSITION		
		<input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation		
		DATE		
COUNT-OFFENSE				FINE
DATE				SURFINE
PLEA		<input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts		COSTS
FINDING		JUDGE		TOTAL DUE
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.		IMPRISONMENT AND OTHER DISPOSITION		
		PAYMENT OF FINE/COSTS/FEEES SUSPENDED UNTIL _____		
		WITH CONSENT OF DEFENDANT ASSISTANT CLERK		
		FINAL DISPOSITION		
		<input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation		
		DATE		
COUNT-OFFENSE				FINE
DATE				SURFINE
PLEA		<input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts		COSTS
FINDING		JUDGE		TOTAL DUE
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.		IMPRISONMENT AND OTHER DISPOSITION		
		PLEA RULED AS BEING MADE FREELY, WILLINGLY AND VOLUNTARILY WITH COMPLETE UNDERSTANDING OF RIGHTS.		
		Asst. Clk. CR Adams		
		FINAL DISPOSITION		
		<input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation		
		DATE		

APPLICATION FOR COMPLAINT		<input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUVENILE		NUMBER 95-2349	Trial Court of Massachusetts District Court Department COURT DIVISION Springfield District Court 50 State Street Springfield, MA 01103	
<input checked="" type="checkbox"/> ARREST <input type="checkbox"/> HEARING <input type="checkbox"/> SUMMONS <input type="checkbox"/> WARRANT		The within named complainant requests that a complaint issue against the within named defendant, charging said defendant with the offense(s) listed below.				
DATE OF APPLICATION 3-13-95	DATE OF OFFENSE 3-10-95	PLACE OF OFFENSE Spfld				
NAME OF COMPLAINANT Spfld		NO.	OFFENSE	G.L. Ch. and Sec.		
ADDRESS AND ZIP CODE OF COMPLAINANT Spfld PD CES		1.	Robb (LAW) B W/H	802		
NAME, ADDRESS AND ZIP CODE OF DEFENDANT Man Patted		2.	VDFS2	818a		
AKO Cesar Sanchez		3.				
44 Myrtle St Apt 22		4.				
Spfld Ma						
COURT USE ONLY →	A hearing upon this complaint application will be held at the above court address on		DATE OF HEARING	TIME OF HEARING	COURT USE ← ONLY	
			AT			

CASE PARTICULARS — BE SPECIFIC

NO.	NAME OF VICTIM Owner of property, person assaulted, etc.	DESCRIPTION OF PROPERTY Goods stolen, what destroyed, etc.	VALUE OR PROPERTY Over or under \$250.	TYPE OF CONTROLLED SUBSTANCE OR WEAPON Marijuana, gun, etc.
1				Cocaine
2				High School of Commerce
3				
4				

OTHER REMARKS:

*see arrest report*X *WW*
SIGNATURE OF COMPLAINANT**DEFENDANT IDENTIFICATION INFORMATION — Complete data below if known.**

DATE OF BIRTH 4-5-73	PLACE OF BIRTH Spfld Ma	SOCIAL SECURITY NUMBER	SEX M	RACE PC	HEIGHT 68	WEIGHT 180	EYES BRO	HAIR BLK
OCCUPATION 2nd Porter	EMPLOYER/SCHOOL Self	MOTHER'S NAME (MAIDEN) Calista	FATHER'S NAME Robert E. Flinn					

DATE	DISPOSITION	AUTHORIZED BY
	NO PROCESS TO ISSUE <input type="checkbox"/> At request of complainant <input type="checkbox"/> Complainant failed to prosecute <input type="checkbox"/> Insufficient evidence having been presented	
3/13/95	PROCESS TO ISSUE <input checked="" type="checkbox"/> Sufficient evidence presented <input type="checkbox"/> Defendant failed to appear <input type="checkbox"/> Continued to _____	TYPE OF PROCESS <input type="checkbox"/> Warrant <input type="checkbox"/> Summons returnable _____ <i>WW</i>
COMMENTS		

[illegible]

11 10 95
MONTH DAY YEAR

GENERAL REPORT FORM

1064

TYPE OF REPORT,
SPECIFY:

ARREST

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT

Sir:

AT ABOUT 4:30PM THIS DATE, OFFS. M. AMBROSE, E. HINEY, J. APONTE, F. PECK AND I ARRESTED AT 44 MYRTLE ST. APT. F22, A CESAR CRUZ SANCHEZ, 44 MYRTLE ST., F22, DOB 4-5-73 FOR (1) OPERATING A MOTOR VEHICLE WITHOUT A LICENSE, (2) REFUS. TO SUBMIT TO A POLICE OFFICER, (3) OPERATING AN UNREGISTERED M/V, (4) OPER. AN UNINSURED M/V, (5) CONCEALING THE IDENTITY OF A M/V, (6) RECEIVING STolen PROP. 250.00, (7) POSSESSION CL. "B" CRACK WITH INT. TO DISTR., (8) VIOLATION OF DRUG FREE SCHOOL ZONE COMMERCIAL HIGH SCHOOL.

RESPECTFULLY SUBMITTED;

CR 77 50M - 10/94	POST NO.
	CAR NO. 20
	DISTRICT NO. 6

REPORTED FOR DUTY 4P M	S. LINNETTAN REPORTING OFFICER
REPORTED OFF DUTY 12A M	

RECORDS COPY

3 10 95
MONTH DAY YEAR

SPRINGFIELD POLICE DEPARTMENT

GENERAL REPORT FORM

2874

TYPE OF REPORT,
SPECIFY:

ARREST

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT

PRIOR TO THE ARREST, OFFS. AMBROSE & APONTE ^{A TRUE COLORED ATTEN.} ~~ADVERSE~~ A SUBJECT LATER IDENTIFIED AS SANCHEZ OPERATING A 1988 MAZDA BEARING MA. REG. 917-248 EAST ON UNION ST. @ SCHOOL ST. OFF. PELIC HAD PREVIOUSLY INFORMED OFF. AMBROSE THAT THE PLATE WAS STOLEN OUT OF NORTH-HAMPTON. IT WAS REPORTED STOLEN ON FEB. 16, 1995, BY A CINDY MILLER, 80 DAMON RD., N-HAMPTON, MA. SANCHEZ REFUSED TO STOP FOR THE POLICE AND PULLED INTO A PARKING LOT ON THE SIDE OF 290 UNION ST., THEN RUNNING NORTH THROUGH THE BACKYARDS AND OVER SEVERAL FENCES. I CHASED HIM INTO # 44 MYRTLE ST. TO A

CR 77 50M - 10/94	POST NO.
	CAR NO. 20
	DISTRICT NO. 6

REPORTED FOR DUTY 4P M	S. LINNETTAN REPORTING OFFICER
REPORTED OFF DUTY 12A M	

RECORDS COPY

3 10 95
MONTH DAY YEAR

SPRINGFIELD POLICE DEPARTMENT

GENERAL REPORT FORM

384


TYPE OF REPORT,
SPECIFY:

ARREST

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT

SECOND FLOOR APARTMENT WHERE HE WAS APPREHENDED IN THE KITCHEN, BY ME WITH ASSISTANCE FROM OFF. HINEY. SANCHEZ WAS UNABLE TO PRODUCE A LICENSE TO OPERATE A M/V OR A VALID REGISTRATION FOR THE VEHICLE. RECORDS CONFIRMED NEITHER EXISTED. UPON ARRIVAL AT POLICE HEADQUARTERS, OFFICER PERK DISCOVERED IN THE BACK SEAT OF OUR CRUISER A CLEAK PLASTIC WRAPPER TWO CHUNKS OF A WHITE ROCK LIKE SUBSTANCE BELIEVED TO BE CRACK COCAINE. I FOUND IN HIS LEFT PANT POCKET \$63.00 CASH. THE SIZE OF THESE CHUNKS WERE NOT CONSISTANT WITH THAT OF PERSONAL USE, AND

CR 77 50M - 10/94	POST NO.	REPORTED FOR DUTY	4P M	 REPORTING OFFICER S. LINNEHAN
	CAR NO.	20		
	DISTRICT NO.	6	REPORTED OFF DUTY	

RECORDS COPY

3 10 95
MONTH DAY YEAR

SPRINGFIELD POLICE DEPARTMENT

GENERAL REPORT FORM

484


TYPE OF REPORT,
SPECIFY:

ARREST

(I.E. ARREST, OPEN DOOR, B & E, ETC.)

DETAILS OF REPORT

HE HAD NO OTHER DRUG PARAPHENALIA ON PERSON. A TRUE COPY. DATED IN THE MOTOR VEHICLE THAT IS CONSISTANT WITH EVIDENCE OF PERSONAL USE. THIS AREA, 290 UNION ST. ADJACENT PLAZA #4 MYRTLE ST ARE WITHIN 1000 FT. OF COMMERCE HIGH SCHOOL. DRUGS TAGGED #148383. CASH TAGGED #148384. MA. PLATE TAGGED 148385. CITATIONS # D1067816 + D1067815 ISSUED BY OFF. AMBROSE. D. W. #9423CR11213 DRUG FREE SCHOOL ZONE, + DWI #9423CR10156 DIST. CL. "A" HEROIN ALSO TAGGED. RETURN MADE ON WARRANTS.

CR 77 50M - 10/94	POST NO.	REPORTED FOR DUTY	4P M	 REPORTING OFFICER OFF. SHAWN P. LINNEHAN #41265
	CAR NO.	20		
	DISTRICT NO.	6	REPORTED OFF DUTY	

RECORDS COPY

CRIMINAL COMPLAINT

9523CR 02349

Trial Court of Massachusetts
District Court Department

COURT DIVISION

Spfld.

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

Juan Cotto

aka Cesar Sanchez

44 Myrtle St. Apt. F22

Spfld., Mass

TO ANY JUSTICE OR CLERK-MAGISTRATE
OF THE DISTRICT COURT DEPARTMENT:

The within named and undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.

DEF. DOB AND SEX

4/5/73 PR/M

OFFENSE CODE(S)

802, 818a, 111, 122, 110, 124, 119, 830

DATE OF OFFENSE

3/10/95

PLACE OF OFFENSE

Spfld.

COMPLAINANT

Glenn Lungarini

POLICE DEPARTMENT (if applicable)

Spfld.

DATE OF COMPLAINT

3/13/95

RETURN DATE AND TIME

arrest

COUNT-OFFENSE

.POSS. CLASS B SUB. W/INT.TO DISTRIB./MFG. C94C S32A(a)

not being authorized by law, did knowingly or intentionally possess with intent to manufacture, distribute or dispense a controlled substance in Class "B" of G.L. c.94C, s.31, to wit: cocaine, in violation of G.L. c.94C, s.32A.(a)

COUNT-OFFENSE

.DRUG FREE ZONE C94C S32J

did knowingly or intentionally manufacture, distribute, dispense or possess with intent to manufacture, distribute, or dispense within 1000 feet of the real property comprising a public or private elementary, vocational, or secondary school whether or not in session or a within 100 feet of a park or playground to wit, High School of Commerce, a controlled substance to wit, cocaine in violation of M.G.L. C94C S32J.

COUNT-OFFENSE

.OPERATING A MV WITHOUT A LICENSE C90 S10

did operate a motor vehicle on a way, as defined in G.L. c.90, s.1, without first having obtained a license so to do, in violation of G.L. c.90, s.10.

COUNT-OFFENSE

.FAILING TO STOP FOR POL. WHILE OP. A MV C90 S25

while operating a motor vehicle, did refuse or neglect to stop when signalled to stop by a police officer who was in uniform or who displayed his or her badge conspicuously on the outside of his or her outer coat or garment, in violation of G.L. c.90, s.25.

COMPLAINANT

SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK

ON (DATE)

☒ ADDITIONAL
COUNTS
ATTACHED

FIRST JUSTICE

George Sheehy

COURT ADDRESS

50 State St. Spfld., Mass

A TRUE CLERK-MAGISTRATE/ASST. CLERK

ON (DATE)

ATTEST: X

FINDING OF JUDGE-DETERMINATION OF INDIGENCY

After considering the report and recommendation of the probation officer or other appropriate court employee and after interrogating the defendant named in the complaint on the reverse side, if appropriate, based upon the standards in Supreme Judicial Court Rule 3:10, I FIND THAT THE DEFENDANT IS:

- ☐ **INDIGENT** because the defendant:
- ☐ receives Aid to Families with Dependent Children (AFDC).
 - ☐ receives Emergency Aid to Elderly, Disabled and Children (EAEDC).
 - ☐ receives poverty-related veterans' benefits.
 - ☐ receives food stamps.
 - ☐ receives refugee resettlement benefits.
 - ☐ receives Medicaid.
 - ☐ receives Supplemental Security Income (SSI).
 - ☐ is a patient in a mental health facility or treatment center (or is the subject of a proceeding for admission to such a facility) and lacks available funds.
 - ☐ is serving a sentence in a correctional institution and has no available funds.
 - ☐ is held in custody in a jail and has no available funds.
 - ☐ has an annual income, after taxes, 125% or less of the current poverty threshold referred to in G.L. c. 261, § 27A(b).
 - ☐ is determined to be indigent pursuant to S.J.C. Rule 3:10, Section 4(b) [Judge's Section 4(b) findings on the record are appended].

☐ **INDIGENT BUT ABLE TO CONTRIBUTE**, and is therefore ordered to pay \$ _____ toward the cost of counsel because the defendant:

- ☐ has an annual income, after taxes, of more than 125% and less than 250% of the current poverty threshold referred to in G.L. c. 261, § 27A(b).
- ☐ is charged with a felony within the jurisdiction of the Superior Court and has available funds sufficient to pay a portion of the anticipated cost of counsel.
- ☐ is determined to be indigent but able to contribute pursuant to S.J.C. Rule 3:10, Section 4(b) [Judge's Section 4(b) findings on the record are appended].

☐ **NOT INDIGENT** and is able to pay the anticipated cost of counsel [Judge's findings on the record are appended if this finding is pursuant to S.J.C. Rule 3:10, Section 4(b)].

Date _____

District Court Justice

CERTIFICATE OF JUDGE — WAIVER OF COUNSEL

I hereby certify that the defendant named in the complaint on the reverse side has been informed of his/her right to counsel in accordance with Supreme Judicial Court Rule 3:10 and G.L. c. 211D, §5; that he/she has knowingly elected to proceed without a lawyer; and that he/she has:

- ☐ Executed a waiver of counsel in my presence.
- ☒ Refused to sign a waiver.

Date _____

District Court Justice

ATTEST: X

ADDITIONAL COUNTSPage 2 Of DOCKET NUMBER
9523CR02349

COUNT-OFFENSE

110.OP./RUSH/TOW, PERM. OP./PUSH/TOW UNREG. MV/TRLR C90 S9

NOTE: THIS IS A CIVIL MV INFRACTION, SET FORTH HERE FOR PROCEDURAL PURPOSES ONLY.

not being authorized by law, did operate, push, draw or tow a motor vehicle or trailer upon a way, as defined by G.L. c.90, s.1, or being the owner or custodian of said vehicle, did permit the same to be operated, pushed, drawn or towed upon or to remain upon a way, as defined by G.L. c.90,s.1, said vehicle not being registered according to law, in violation of G.L. c.90, s.9.

COUNT-OFFENSE

.OP./PERMIT TO OP. UNINSURED M.V.C90 S34J

did operate or permit to be operated a motor vehicle which is subject to the provisions of G.L. c.90, s.1A, during such time as the motor vehicle policy or bond or deposit as required had not been provided and maintained, in violation of G.L. c.90, s.34J.

COUNT-OFFENSE

.ATTACHING PLATES TO A MOTOR VEHICLE C90 S23

did, with the intent to conceal the identity of a motor vehicle or trailer, attach or permit to be attached to said motor vehicle or trailer, a number plate assigned to another motor vehicle or trailer, in violation of G.L. c.90, s.23.

COUNT-OFFENSE

.RECEIVING STOLEN PROPERTY, \$250 OR LESS C266 S60

did buy, receive or aid in the concealment of, stolen or embezzled property of, Commonwealth of Mass., knowing said property to have been stolen or embezzled, the value of such property not exceeding two hundred and fifty dollars, in violation of G.L. c.266, s.60.

COUNT-OFFENSE

A TRUE COPY ATTEST
Robert E. Fein
ASSISTANT CLERK

COUNT-OFFENSE

COMPLAINANT

X *[Signature]*

SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK

X *[Signature]*

ON (DATE)

3-13-91

DOCKET NUMBER
9230303249

Page 10

ADDITIONAL COUNTS

COUNT-OFFENSE

NOTE: THIS IS A CIVIL IN REM PROCEEDING, SET FORTH HERE FOR PROCEDURAL PURPOSES ONLY.
110.0P. PUSH/TOW, FROM CP/PUSH/TOW UNREC. WA/TIRL CPO 22

not being authorized by law, and operate, push, pull or tow a motor vehicle or trailer upon a way, as defined by G.L. c. 90, s. 1, or being the owner or custodian of said vehicle, did permit the same to be operated, pushed, pulled or towed upon a way, as defined by G.L. c. 90, s. 1, and vehicle not being reversed according to law, in violation of G.L. c. 90, s. 2.

COUNT-OFFENSE

109. PERMIT TO CP. UNINSURED M.V. CPO 2343

did operate or permit to be operated a motor vehicle which is subject to the provisions of G.L. c. 90, s. 1, during such time as the motor vehicle policy or deposit as required has not been provided and maintained, in violation of G.L. c. 90, s. 3A.1.

COUNT-OFFENSE

ATTACHING PLATES TO A MOTOR VEHICLE CPO 233

did, with the intent to commit a crime, attach to a motor vehicle or a trailer, a sign or permit to be attached to a motor vehicle or trailer, in violation of G.L. c. 90, s. 13.

COUNT-OFFENSE

REMOVING STATION PROPERTY, CPO 06133 CPO 230

did not, remove or cause to be removed any station or unattended property of Commonwealth of Massachusetts, knowing or having reason to believe that the same was the property of a person, in violation of G.L. c. 90, s. 13.

COUNT-OFFENSE

COUNT-OFFENSE

COMPLAINT

RETURN TO DETROIT COURTHOUSE EAST BUNK

ON DATE

10-10-06

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TENDER OF PLEA OR ADMISSION

DOCKET NUMBER

75-834

Trial Court of Massachusetts
District Court Department

COURT USE

Superior District Court
50 State Street
Springfield, MA 01103

COMMONWEALTH VS.

NAME OF DEFENDANT

TENDER OF PLEA OR ADMISSION

PART I: To be completed, where possible, prior to the Pretrial Hearing. Signed by both counsel and submitted to the court by the defendant at that hearing.

Defendant in this case hereby tenders the following:



PLEA OF GUILTY

ADMISSION TO FACTS SUFFICIENT
FOR A FINDING OF GUILTY

conditioned on the following dispositional terms: (Include all proposed terms found, finding of sufficient facts, continued without finding, fine, costs, probation, restitution, dismissal, etc.) Count/offense, as listed on complaint.

Count/offense

1

9. Filed to so much as alleged loss

Count/offense

2

NR

Count/offense

3

Count/offense

4

(Attach an additional sheet, if necessary)

The above-listed terms are submitted for the court's consideration ☒ WITH ☐ WITHOUT the agreement of the Commonwealth.

Signatures

Defense Counsel

Date

Assistant District Attorney

Date

PART II: To be completed by the Court.

COURT'S RULING

The court ☐ ACCEPTS the Plea/Admission tendered on the terms set forth above, and will impose sentence in accordance with such terms, subject to submission of defendant's written jury waiver (see reverse side), completion of the required colloquy, determination of factual basis and notice of alien rights.The court ☐ REJECTS the dispositional terms set forth above and, in accordance with Mass. R. Crim. P. 12(c)(1), will set forth the dispositional terms it would find acceptable.

DEFENDANT'S DECISION UPON REJECTION OF TERMS

Defendant ☐ WITHDRAWS tendered Plea/Admission. Pretrial Hearing to be completed and trial date scheduled, if necessary.Defendant ☐ ACCEPTS terms set forth by the Court. Plea/Admission to be accepted by court and said dispositional terms imposed, subject to submission of defendant's written jury waiver (see reverse side), completion of the required colloquy, determination of factual basis and notice of alien rights.

Judge

(Final dispositional terms to be announced on the record and recorded on case docket sheet.)

**WAIVER OF JURY TRIAL
DEFENSE COUNSEL'S CERTIFICATE**

DOCKET NUMBER

**trial Court of Massachusetts
District Court Department**


ATTORNEY'S

 Springfield District Court
 51 State Street
 Springfield, MA 01103

COMA ENVELOYS

NAME OF DEFENDANT

**WAIVER OF RIGHT TO
BE TRIED BY JURY
(G.L. c. 263, s. 6)**

I, the above named defendant, have been informed of my right to be tried by a jury. I understand that right. I have decided to waive that right. I have chosen to plead guilty or admit to a finding of guilty.

DATE

SIGNATURE OF DEFENDANT

**DEFENSE COUNSEL'S
CERTIFICATE
(G.L. c. 218, s. 26A)**

I, the undersigned counsel for the above named defendant in the case captioned above, certify that with regard to the waiver of the right to jury trial, I have explained the following to said defendant:

That the jury consists of members of the community;

That the defendant may participate in their selection;

That the verdict of the jury must be unanimous; and

That the jury must decide guilt or innocence while the judge makes rulings of law in the course of the trial and instructs the jury on the law, and imposes sentence in case of guilt.

DATE

SIGNATURE OF DEFENSE COUNSEL

DOCKET

Case 3:05-cr-3042-MEW Document 102-8 Filed 09/08/2006 Page 1 of 14

COURT DIVISION Springfield		NAME, ADDRESS AND ZIP CODE OF DEFENDANT		ATTORNEY NAME	
		CESAR S. CRUZ 90 HIGH ST SPFLD MA		<input type="checkbox"/> Waived <input type="checkbox"/> Retained <input checked="" type="checkbox"/> Assigned	
DEF. DOB AND SEX 4/5/73		OFFENSE CODE(S) 621,620,702,701a		TERMS OF RELEASE 7500 (100k) 15000 JURY N/A	
DATE OF OFFENSE 10/20/93		PLACE OF OFFENSE SPFLD		DATE	
COMPLAINANT THOMAS J. SHEERAN		POLICE DEPARTMENT (if applicable) SPFLD		PROCEEDING	
DATE OF COMPLAINT 10/25/93		RETURN DATE AND TIME WARRANT		<input checked="" type="checkbox"/> Arraigned before J. <input type="checkbox"/> Advised of right to counsel <input checked="" type="checkbox"/> Advised of right to drug exam <input checked="" type="checkbox"/> Advised of right to bail review <input type="checkbox"/> Advised of right to F.I. Jury Trial <input type="checkbox"/> Waives <input type="checkbox"/> Requests F.I. Jury Trial <input type="checkbox"/> Advised of alien rights <input type="checkbox"/> Warrant issued <input type="checkbox"/> Default warrant issued <input type="checkbox"/> Default removed <input type="checkbox"/> Warrant recalled <input type="checkbox"/> Warrant issued <input type="checkbox"/> Default warrant issued <input type="checkbox"/> Default removed <input type="checkbox"/> Warrant recalled	
COUNT-OFFENSE a. ARMED ROBBERY WHILE MASKED C265 S17				FINE SURFINE COSTS TOTAL DUE	
NOV 02 1993				1000 1000 0 0	
PLEA <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo		JUDGE Shooby		IMPRISONMENT AND OTHER DISPOSITION	
FINDING Prob Cause Found				UPON EXAMINATION, PROBABLE CAUSE FOUND AND DEFENDANT ORDERED TO RECOGNIZE IN THE SUM OF \$ - WITH SURETY - FOR APPEARANCE BEFORE SUPERIOR COURT 1st MONDAY OF May 1994 NEXT	
APR 1 1994		JUDGE Shooby		FINAL DISPOSITION	
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.				<input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation	
COUNT-OFFENSE b. ASSAULT BY DANGEROUS WEAPON C265 S15B				FINE SURFINE COSTS TOTAL DUE	
NOV 02 1993				1000 1000 0 0	
PLEA <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo		JUDGE Shooby		IMPRISONMENT AND OTHER DISPOSITION	
FINDING Prob Cause Found				UPON EXAMINATION, PROBABLE CAUSE FOUND AND DEFENDANT ORDERED TO RECOGNIZE IN THE SUM OF \$ - WITH SURETY - FOR APPEARANCE BEFORE SUPERIOR COURT 1st MONDAY OF May 1994 NEXT	
APR 1 1994		JUDGE Shooby		FINAL DISPOSITION	
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.				<input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation	
COUNT-OFFENSE c. POSS. F/A W/OUT A LIC, NOT HOME/WRK, NO LIC. C				FINE SURFINE COSTS TOTAL DUE	
NOV 02 1993				1000 1000 0 0	
PLEA <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo		JUDGE Shooby		IMPRISONMENT AND OTHER DISPOSITION	
FINDING Prob Cause Found				UPON EXAMINATION, PROBABLE CAUSE FOUND AND DEFENDANT ORDERED TO RECOGNIZE IN THE SUM OF \$ - WITH SURETY - FOR APPEARANCE BEFORE SUPERIOR COURT 1st MONDAY OF May 1994 NEXT	
APR 1 1994		JUDGE Shooby		FINAL DISPOSITION	
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.				<input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation	
COUNT-OFFENSE d. POSSESSION AMMUNITION W/OUT IDENTIFICATION C14				FINE SURFINE COSTS TOTAL DUE	
NOV 02 1993				1000 1000 0 0	
PLEA <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo		JUDGE Shooby		IMPRISONMENT AND OTHER DISPOSITION	
FINDING Prob Cause Found				UPON EXAMINATION, PROBABLE CAUSE FOUND AND DEFENDANT ORDERED TO RECOGNIZE IN THE SUM OF \$ - WITH SURETY - FOR APPEARANCE BEFORE SUPERIOR COURT 1st MONDAY OF Monday 1994 NEXT	
APR 1 1994		JUDGE Shooby		FINAL DISPOSITION	
<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.				<input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation	
CONT. TO		PURPOSE		DATE	
C		11/12/93		94-118	
NOV 22 93		Caf		1850	
D in		Hospital		2400	
NOV 22 1993		C 12-2-93		Shooby	

SEE REVERSE SIDE FOR DOCKET ENTRIES, OFFICIAL CASE NOTES AND OTHER INFORMATION

DATE	DOCKET ENTRIES
DEC 2 1993	C 12-13-93 BOH - AB 10 day rule waived
JAN 18 1994	C 1-28-94 By GEORGE BREGIANES (SPP)
JAN 24 1994	DJW Shady Bail taken for further 2-28-94 Bail Forfeited - JCR # 5943 AB

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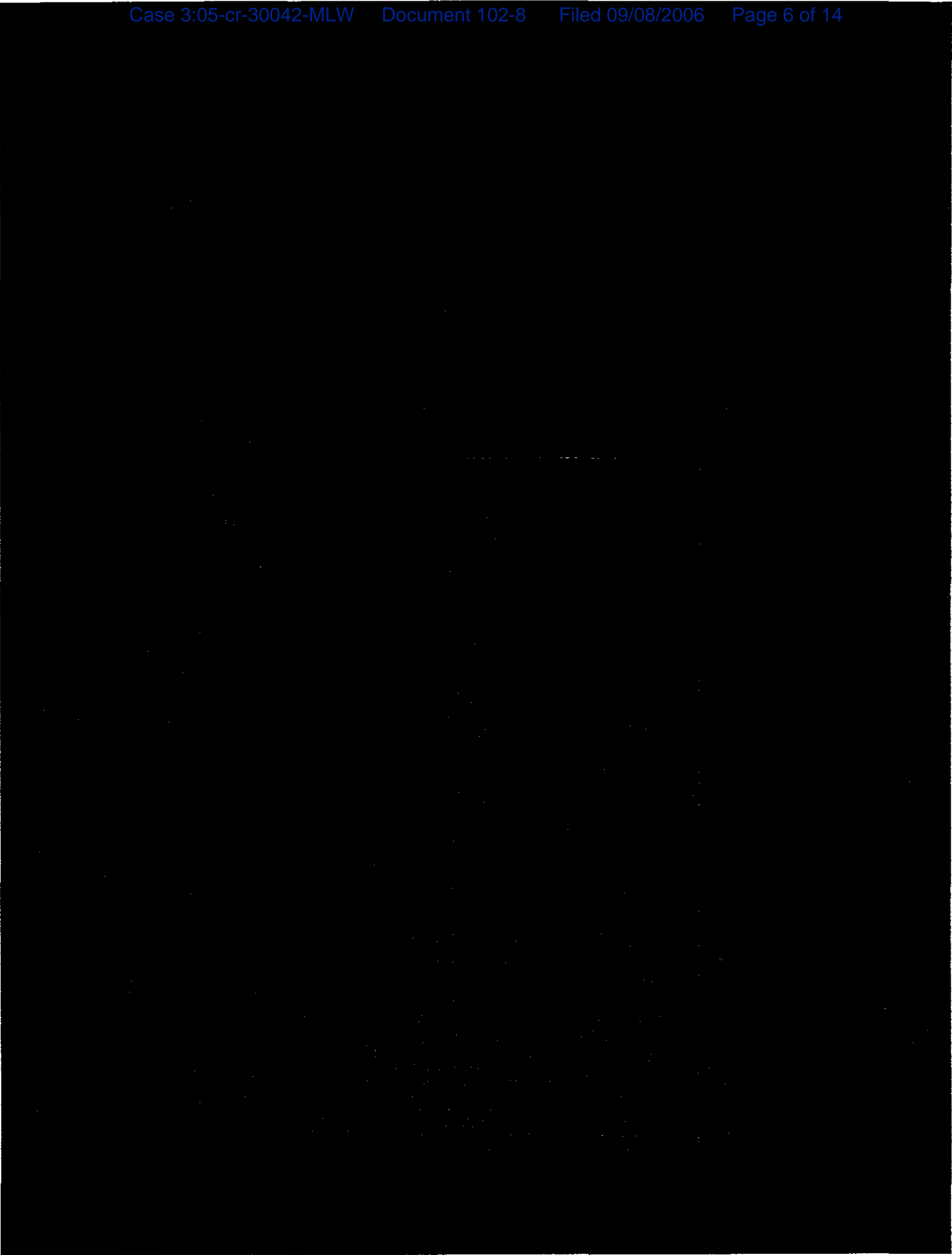
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The Court of Massachusetts
District Court Department

COURT DIVISION

Springfield

JUDGE-DETERMINATION OF INDIGENCY
NAME, ADDRESS AND ZIP CODE OF DEFENDANTCESAR S. CRUZ
90 HIGH ST
SPFLD MATO ANY JUSTICE OR CLERK-MAGISTRATE
OF THE DISTRICT COURT DEPARTMENT:

The within named and undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.

DEF. DOB AND SEX

4/5/73

OFFENSE CODE(S)

621,620,702,701a

DATE OF OFFENSE

10/20/93

PLACE OF OFFENSE

SPFLD

COMPLAINANT

THOMAS J. SHEEHAN

POLICE DEPARTMENT (if applicable)

SPFLD

DATE OF COMPLAINT

10/25/93

RETURN DATE AND TIME

WARRANT

COUNT-OFFENSE

a. ARMED ROBBERY WHILE MASKED C265 S17

being armed with a dangerous weapon and while masked, disguised, or having his or her features artificially distorted, did assault DAVID WARRICK and did rob, steal or take from said person \$300.00 cash, beeper, and leather jacket, in violation of G.L. c.265, s.17.

COUNT-OFFENSE

b. ASSAULT BY DANGEROUS WEAPON C265 S15B

did, by means of a dangerous weapon, HANDGUN, assault DAVID WARRICK, in violation of G.L. c.265, s.15B.

COUNT-OFFENSE

c. POSS. F/A W/OUT A LIC, NOT HOME/WRK, NO LIC. C269 S10(a)

did knowingly have in his or her possession, or under his or her control in a vehicle, a loaded or unloaded firearm, as defined in G.L. c.140, s.121, said defendant not then being present in or on his or her residence or place of business, and not having in effect a license to carry firearms or otherwise being authorized by law so to do, in violation of G.L. c.269, s.10(a).

Robert E. Fern
TRUE COPY. ATTEST

COUNT-OFFENSE

d. POSSESSION AMMUNITION W/OUT IDENTIFICATION C140, S129C

did possess ammunition for a firearm to wit: .22 ammun without complying with the requirement relating to the firearm identification card for in Section 129C of Chapter 140 of the General laws as amended

ASSISTANT CLERK

COMPLAINANT

SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK

ON (DATE)

ADDITIONAL
COUNTS
ATTACHED

FIRST JUSTICE

GEORGE BREGIANES

COURT ADDRESS

50 State Street

Springfield, MA 01103

ATTEST: X CLERK-MAGISTRATE/ASST. CLERK

ON (DATE)

10/25/93

FINDING OF JUDGE-DETERMINATION OF INDIGENCY

After considering the report and recommendation of the probation officer or other appropriate court employee and after interrogating the defendant named in the complaint on the reverse side, if appropriate, based upon the standards in Supreme Judicial Court Rule 3:10, I FIND THAT THE DEFENDANT IS

☐ INDIGENT because the defendant:

☐ receives Aid to Families with Dependent Children (AFDC).

☐ receives General Relief (GR).

☐ receives poverty-related veterans benefits.

☐ receives Food Stamps.

☐ receives Medicaid.

☐ receives Supplemental Security Income (SSI).

☐ receives refugee resettlement benefits.

☐ is committed to a public mental health facility.

☐ is committed to a jail or correctional institution to serve a sentence.

☐ has an annual income, after taxes, 125% or less of the current poverty threshold referred to in G.L. c. 261, § 27A.

☐ has Available Funds that are insufficient to contribute any amount toward the anticipated cost of counsel.

☐ INDIGENT BUT ABLE TO CONTRIBUTE, and is therefore ordered to pay

\$ _____ toward the anticipated cost of counsel.

☐ NOT INDIGENT and is able to pay the anticipated cost of counsel.

Date _____

District Court Justice

CERTIFICATE OF JUDGE — WAIVER OF COUNSEL


I hereby certify that the defendant named in the complaint on the reverse side has been informed of his/her right to counsel in accordance with Supreme Judicial Court Rule 3:10 and G.L. c. 211D, §5; that he/she has knowingly elected to proceed without a lawyer; and that he/she has:

☐ Executed a waiver of counsel in my presence.

☐ Refused to sign a waiver.

Date _____

District Court Justice

APPLICATION FOR COMPLAINT		<input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUVENILE		NUMBER 9323CL10017		Trial Court of Massachusetts District Court Department					
<input type="checkbox"/> ARREST		<input type="checkbox"/> HEARING		<input type="checkbox"/> SUMMONS		<input checked="" type="checkbox"/> WARRANT		COURT DIVISION Springfield District Court 50 State Street Springfield, MA 01103			
The within named complainant requests that a complaint issue against the within named defendant, charging said defendant with the offense(s) listed below.											
DATE OF APPLICATION 10-25-93		DATE OF OFFENSE 10-20-93		PLACE OF OFFENSE SPFLD							
NAME OF COMPLAINANT THOMAS J. SHEEHAN				NO.		OFFENSE		G.L. Ch. and Sec.			
ADDRESS AND ZIP CODE OF COMPLAINANT S.P.D. - D.B.				1.		ASSET. PROP. B / MAXED 624		624			
				2.		ASSET. B/M D/W		620			
				3.		CARRYING F/A W/O LIC. 702					
				4.		Poss Ammo w/o FFD. 701A					
NAME, ADDRESS AND ZIP CODE OF DEFENDANT CESAR S. CRUZ 90 HICK ST. SPFLD. MA.											
COURT USE ONLY →		A hearing upon this complaint application will be held at the above court address on				DATE OF HEARING		TIME OF HEARING		COURT USE ← ONLY	
						AT					
CASE PARTICULARS — BE SPECIFIC											
NO.	NAME OF VICTIM Owner of property, person assaulted, etc.		DESCRIPTION OF PROPERTY Goods stolen, what destroyed, etc.		VALUE OR PROPERTY Over or under \$250.		TYPE OF CONTROLLED SUBSTANCE OR WEAPON Marijuana, gun, etc.				
1	DAVID WARRICK		ROBBED OF \$300.00 CASH BEVER LEATHER JACKET		ARMED W/ HANDGUN MAXED						
2	" "		FIRED HANDGUN AT VICTIM								
3			CARRYING 22 REV. W/O LIC.								
4			Poss 22 AMMO W/O LIC.								
OTHER REMARKS:											
SEE REPORTS SIGNATURE OF COMPLAINANT: <i>Thomas J. Sheehan</i>											
DEFENDANT IDENTIFICATION INFORMATION — Complete data below if known.											
DATE OF BIRTH 4-5-73		PLACE OF BIRTH		SOCIAL SECURITY NUMBER 583-43-1898		SEX M		RACE PR		HAIR BAN	
OCCUPATION		EMPLOYER/SCHOOL		MOTHER'S NAME (MAIDEN)		FATHER'S NAME A TRUE COPY ATTES					
COURT USE ONLY											
DATE		DISPOSITION						AUTHORIZED BY			
		NO PROCESS TO ISSUE <input type="checkbox"/> At request of complainant <input type="checkbox"/> Complainant failed to prosecute <input type="checkbox"/> Insufficient evidence having been presented						ASSISTANT CLERK			
10/25/93		PROCESS TO ISSUE <input checked="" type="checkbox"/> Sufficient evidence presented <input type="checkbox"/> Defendant failed to appear						TYPE OF PROCESS <input checked="" type="checkbox"/> Warrant suggested bail 10,000 <input type="checkbox"/> Summons returnable			
		<input type="checkbox"/> Continued to									
COMMENTS											

COURT COPY

ARREST ☐ HEARING ☐ SUMMONS ☐ WARRANT ☒
The within return is made pursuant to request for a complaint filed by the undersigned on the date indicated below.
DATE OF APPLICATION: 09-08-06
NAME OF COMPLAINANT: T. Thompson
ADDRESS AND ZIP CODE OF COMPLAINANT: 2-10-10
NAME, ADDRESS AND ZIP CODE OF DEFENDANT: 2-10-10
COUNTY: 2-10-10
CITY: 2-10-10
STATE: 2-10-10
ZIP: 2-10-10

CHARGE: 2-10-10
OFFENSE: 2-10-10
DATE OF OFFENSE: 2-10-10
PLACE OF OFFENSE: 2-10-10
COURT: 2-10-10
JUDGE: 2-10-10
CLERK: 2-10-10
FEE: 2-10-10
OTHER: 2-10-10

CASE PARTICIPANTS - DE JUDICIO
NAME: 2-10-10
ADDRESS: 2-10-10
CITY: 2-10-10
STATE: 2-10-10
ZIP: 2-10-10
OTHER: 2-10-10

OTHER REMARKS: 2-10-10

DEFENDANT IDENTIFICATION INFORMATION
NAME: 2-10-10
ADDRESS: 2-10-10
CITY: 2-10-10
STATE: 2-10-10
ZIP: 2-10-10

COMMENTS: 2-10-10

WITNESSES:

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